

**STRIVING FOR**  
**EQUITY**  
**IN UTAH'S JUVENILE JUSTICE SYSTEM**



**2020 DISPARITIES UPDATE**



*This report was authored by Ciriac Alvarez Valle and Anna Thomas,  
policy analysts at Voices for Utah Children.*

*Report design and layout by Ephraim Kum,  
community engagement intern at the Utah Division of Multicultural Affairs.*

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with support from the Utah Board of Juvenile Justice  
and the Utah Division of Multicultural Affairs  
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*Many thanks to the following individuals for their cooperation, support,  
inspiration and contributions:*

*Betty Sawyer  
Brett Peterson  
Jackie Chamberlain  
Jenny Hor  
Kayley Richards  
Laneta Fitisemanu  
Neira Siaperas  
Nubia Peña  
Dr. Tiffany Manuel  
Dr. Van Nguyen*

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# 1. INTRODUCTION

When it comes to our juvenile justice system, Utah has much to be proud of.

Ours has long been a low-incarcerating state, compared to others.<sup>1</sup> In recent years, significant system reforms have resulted in a smaller population of children who spend significant time in the formal justice system.

More children who engage in misconduct are diverted from the juvenile court system and are able to access supportive services without attracting a criminal record. Fewer children are removed from their homes and communities to be placed in “secure settings,” a disposition that is now reserved for only those children who pose the highest risk for re-offense.<sup>2</sup>

**This is very good news for Utah children and their families.**

As part of the state’s analysis of its juvenile justice system in 2016, with technical support from the Pew Public Safety Performance Project, state leaders discovered that traditional approaches to juvenile justice were yielding poor results. Youth who were incarcerated in detention centers and secure care facilities<sup>3</sup> were released with a higher risk to reoffend. The longer youth spent under court jurisdiction, the more likely they were to fail to address and end their negative behaviors.

Sweeping legislation in 2017 – HB239, “Juvenile Justice Amendments,” sponsored by Rep. Lowry Snow (R-Saint George) and Todd Weiler (R-Woods Cross) – dramatically re-envisioned the broken system uncovered by the 2016 system analysis.

## GOALS OF HB239

- Promote public safety;
- Limit system costs;
- Reduce recidivism; and
- Improve outcomes for youth, families and communities

**While it is still early to assess the overall success of HB239 at accomplishing these specific aims, short-term progress is undeniable.**

Utah’s system is now smaller, more youth-centered and focused on providing services in non-secure settings. Cost savings have already been realized by a dramatic reduction in youth incarceration. These savings have been captured and directed toward earlier, non-court interventions for families, schools and communities.

Utah’s juvenile justice system, beginning with court referral, is better coordinated, with increased cooperation and communication between different state agencies.

Youth who become involved in the juvenile justice system have better access to legal assistance, allowing them to more easily access their constitutional rights.

When measured in terms of effectiveness, efficiency and legal criteria, Utah's system is definitely moving in the direction of success. Other states and national entities have taken notice. Representative Lowry Snow has been invited to numerous national and regional gatherings to talk about the political and administrative success of the legislation, as well as its subsequent adjustments.

The Coalition for Juvenile Justice made a panel of representatives from Utah – including not only Rep. Snow, but also Commission on Criminal and Juvenile Justice (CCJJ) Executive Director Kim Cordova, past president of the Utah Board of Juvenile Justice (UBJJ) Pam Vickrey, and UBJJ Youth Member and Youth Leader Nindy Le – a centerpiece of its 2019 national conference in Washington, D.C. The Pew Charitable Trusts invited juvenile justice advocates to a regional conference of the National Conference of State Legislatures to discuss successful bipartisan coalition building in support of juvenile justice reform.

For all these reasons and more, Utah can be proud of its progress in improving the justice system for children in our state. We can enjoy a shared feeling of appreciation, inspiration and motivation, as we continue to make Utah's system a model for the rest of the country.

We have so much working in our favor: a dynamic and research-driven Commission on Criminal and Juvenile Justice; state agency leaders who are flexible and committed to positive outcomes for kids; an effective and well-coordinated trouble-shooting reform oversight entity in the form of the Juvenile Justice Oversight Commission; a political commitment to effectiveness and evidence-based approaches; and a cultural amenability to rehabilitation and empathy.

With all of these positive factors in play, our state is perfectly positioned to pursue success in other reform categories, toward the realization of a model system.

**One critical policy analysis and assessment criterion is equity. In this area, Utah has room for improvement.**

Equity means fairness and impartiality – both important values espoused in our schools, court system and communities. “Unlike equality, which suggests that everyone is treated the same or gets the same share, equity focuses on equal outcomes and requires that everyone gets what they need in order to experience well-being.”<sup>4</sup>

An equitable juvenile justice system would be evidenced by, among other metrics, a population of justice-involved youth that is proportional to the overall youth population in Utah. Success by equity-related metrics would mean that children from traditionally marginalized racial and ethnic groups would receive dispositions comparable to

those received by white children, when the misconduct is similarly comparable.

Currently, we have fallen short of this important goal, which has been championed not only by community advocacy organizations like ours, but by the committed state leaders who have achieved our reform successes so far. With so much progress made toward satisfying other important criteria, now is the time to focus on equity, for maximum system effectiveness.

A system that is seen and felt to be inequitable by the youth who become involved in it – and by extension their families and communities – cannot realize full success. Research shows that when young people sense inequity in the juvenile justice system, they are less likely to be successful in turning away from misconduct and toward more positive community engagement.<sup>5</sup> They are more likely to engage in anti-social activities and resist intervention by mainstream authorities in the courts and in law enforcement.<sup>6</sup>

A system that can show its participants and its communities that it is equitable, is one that can better engage those participants and communities.

**It is more likely that young people will take accountability and acknowledge fault, when fairness and respect are modeled by the very system that is demanding it from them.<sup>7</sup>**

By thoughtfully examining where racial and ethnic disparities still exist in Utah's juvenile justice system, and addressing those disparities with bold and positive action, we can achieve success on the critical metric of equity. Utah's reform to this point has pushed us to the top of the pack, nationally, in terms of efficiency, effectiveness, political and administrative success.

When, on top of all that, we can proudly say that our juvenile justice system is demonstrably equitable in its treatment of all children, Utah can boast that it truly has the best-run juvenile justice system in the nation.

# SECTION 1

## ENDNOTES

**1** - As reported by the Sentencing Project, based on data from the U.S. Office of Juvenile Justice and Delinquency Prevention (2017). Accessed at <https://www.sentencingproject.org/the-facts/#map?dataset-option=JCR>

**2** - Pew Charitable Trust Brief, "Utah's 2017 Juvenile Justice Reform Shows Early Promise," (2019). Specifically, page 2, figure 1, "Re-forms Expected to Cut Out-of-Home Youth Population 47%," and page 16, figure 8, "Diversion of Juveniles From Formal Court Proceedings Rose After HB239." Accessed at <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2019/05/utahs-2017-juvenile-justice-reform-shows-early-promise>.

**3** - Detention centers are the equivalent of jail for children; secure care facilities are more comparable to prison. In the former, children are detained for shorter periods and may be held either for sanction or to await judicial hearings. In the latter, children are held for longer periods, often as part of a formal disposition, and for more serious misconduct.

**4** - From *The Little Book of Restorative Justice in Education: Fostering Responsibility, Health, and Hope in Schools* (page 46), by Katherine Evans and Dorothy Vaandering, (2016).

**5, 6, 7** - From "Chapter 7: Accountability and Fairness," in *Reforming Juvenile Justice: A Developmental Approach*, edited by Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers and Julie A. Schuck (2013).

## 2. REVISITING OUR 2017 RECOMMENDATIONS

When Voices for Utah Children and its partners published its original report on racial disparities in Utah's juvenile justice system in 2017,<sup>1</sup> we made five recommendations to address these disparities (see box this page).

We are pleased to report that progress has been made by state policymakers and public administrators on most of these recommendations, with various levels of success achieved.

### 1. PASS LEGISLATION BASED ON RECOMMENDATIONS OF JUVENILE JUSTICE WORKING GROUP (HB239)

HB239, "Juvenile Justice Amendments," sponsored by Rep. Lowry Snow (R-Saint George) and Sen. Todd Weiler (R-Woods Cross), passed with overwhelming support during the 2017 general session of the Utah legislature. The successful version of the bill included policy changes directed at almost every key finding of the Juvenile Justice Working Group (JJWG) appointed by Governor Gary Herbert in 2016. Some of those findings were:

### 2017 RECOMMENDATIONS

1. Pass, and implement with fidelity, the legislation (HB239) based on the robust recommendations of the Juvenile Justice Working Group.
2. Adopt a comprehensive, youth-centric vision for Utah's juvenile justice system.
3. End unnecessary referrals of youth from schools into the juvenile justice system.
4. End the practice of tracking youth in undisclosed, non-transparent law enforcement databases.
5. Empower and invigorate Utah's Disproportionate Minority Contact (DMC) Subcommittee.



- Utah youth were spending too long in the system, with little improvement with regards to their risk to reoffend;
- the system, overall, lacked a set of common standards to guide dispositions;<sup>2</sup> and
- there were far too many low-risk youth, convicted only of low-level status offenses, being held in secure care.<sup>4</sup>

Several of the policy changes delivered via HB239 offered potential for improving the racial and ethnic disparities noted in our February 2017 report.

For example, the legislation directed agencies to engage in trainings regarding youth development, cultural competency and implicit bias. Multiple legislative changes focused on creating more structure and guidance for decision-making processes by judges, probations officers and community placement agencies; such improvements could be expected to help mitigate implicit bias in disposition and other decisions.

The bold changes contained in HB239 put Utah's juvenile justice reform efforts in the national spotlight, as mentioned previously. Passing HB239 was perhaps the most critical recommendation made in our 2017 report. We commend state policymakers and elected officials for their support of the many system improvements driven by that legislation, and for their commitment to seeking better outcomes for our state's system-involved youth.

Also admirable is our state's ongoing commitment to implementation of HB239. The establishment of a Juvenile Justice Oversight Committee, focused on collaboration and problem-solving, ensured that communication between agencies and stakeholders would continue beyond passage of the legislation.

Critical system actors – for example, private providers of recovery services for youth – were able to bring their implementation concerns to the JJOC and participate in trouble-shooting conversations. JJOC members worked together to tour the state, holding community meetings where the legislation and its implementation could be discussed, questions could be answered, and concerns could be voiced.

As of January 2020, the JJOC continues to meet quarterly, forming and then dissolving working groups as implementation issues arise and are resolved.

## 2. ADOPT A YOUTH-CENTRIC VISION FOR UTAH'S JUVENILE JUSTICE SYSTEM

In 2017, we recommended that Utah move away from a punishment-oriented system that overly focuses on the question, "What is *wrong* with this kid?" We see greater potential in a problem-solving system that first asks, "**What is *going on* with this kid?**"

**There is much encouraging evidence that Utah is indeed making this philosophical transition throughout its juvenile justice system.**

For example:

- **The Utah Department of Juvenile Justice Services (JJS) has moved toward a “Youth Services” model** that focuses more heavily on offering pre-adjudication interventions through community partners, including schools and law enforcement.<sup>5</sup> This allows youth and their families to access much-needed support services without court involvement (and the possibility of a juvenile record).
- **The Administrative Office of the Courts (AOC) has reorganized program and service delivery to meet the needs of youth and their families** prior to, and in lieu of, court involvement. Early in the reform discussion, caseworkers and others working with youth expressed concern that diverting youth from court would keep them from accessing certain necessary support services (such as substance use disorder treatment). In response, AOC, JJS and other system actors revamped existing processes to connect early intervention services directly to schools and community partners.
- **The Utah Board of Juvenile Justice (UBJJ) has organized a series of “Juvenile Expungement Clinics”** throughout the state, employing a youth-centric approach that brings all the relevant system actors into one space for the convenience of formerly-system-involved youth. Fees can also be waived. By the end of 2019, successful clinics had been held in Weber, Salt Lake, Cache, Utah and Washington Counties. Uintah County, among others, will host Juvenile Expungement Clinics in 2020.
- **Additionally, UBJJ leadership has indicated that the Board’s strategic plan for 2021-2023 will center the experiences of system-involved youth,** their families and their peers who may be at risk for becoming system-involved. To that end, board members will meet in communities around the state during 2020, and visit with youth currently in JJS custody or participating in community-based diversion programs.
- **During the 2020 legislative session, the Utah Sentencing Commission, in partnership with the Utah Juvenile Defender Association, supported legislation to further streamline juvenile record expungements** for youth involved in Utah’s system. The legislation allows automatic expungement of any non-judicial adjustment (handled by the court but not adjudicated by a judge), and any type of juvenile offense, charge or arrest will be eligible for expungement.

We are encouraged by the enthusiasm shown by the JJOC, and its numerous member stakeholders, for moving toward more youth-centric orientation in our juvenile justice system. We are excited at the prospects for continued cross-agency and cross-community collaboration to extend these successes further.

For example, the JJOC could play an important role in ensuring greater support for our public schools, where youth's struggles and resulting misconduct are often first manifested. Additionally, our many law enforcement agencies statewide could use support in the form of training, technical assistance and trouble-shooting related to youth misconduct both within schools and in the broader community.

Schools and law enforcement agencies, perhaps more so than Juvenile Justice Services and the juvenile courts, experience complex pressures and expectations and require the explicit support of their fellow juvenile justice stakeholders.

### 3. END UNNECESSARY REFERRALS OF YOUTH FROM SCHOOLS INTO THE JUVENILE JUSTICE SYSTEM

We made this recommendation in 2017 in the face of a growing body of research suggesting that racial and ethnic disparities

in the juvenile justice system begin in the school setting, with such disparities seen in school-based responses to student misconduct.<sup>6</sup> The passage of HB239 offered great promise in this area, but implementation has been complicated and challenging.

Many Utah youth who become system-involved are initially referred to court by an educator, administrator or School Resource Officer (SRO), in response to misconduct in an educational setting. Even well-meaning referrals (for example, to assist youth in accessing counseling or maintaining sobriety) have the potential to snowball into long and ultimately unsuccessful stints under court jurisdiction. Data collected by the JJWG demonstrated that court interventions generally were ineffective (sometimes even damaging) when used to deal with youth engaged in low-level offenses.

Accordingly, HB239 directed schools to no longer refer youth to juvenile court or to law enforcement for status offenses, infractions and Class C misdemeanors committed at school. Schools would be expected to deal with this misconduct instead only through administrative processes and school-based responses.

Most of HB239's mandates were directed at state agencies with established central oversight. For example, Juvenile Justice Services are all administered through one division within Utah's Department of Human Resources. Similarly, all juvenile courts – including juvenile judges and youth probation

officers – fall under the direction of the Administrative Office of the Courts.

Utah's education system is much larger, by comparison, and also less centrally controlled. In the fall of 2017, as several aspects of HB239 went into effect, there were 652,348 youth enrolled in Utah public schools.<sup>7</sup> Of those, about 408,807 were between the ages of 10 and 17, typically considered to be old enough to become potentially system-involved.<sup>8</sup>

By comparison, during approximately the same time period, there were only about 6,804 referrals to court (with nearly half of those diverted before formal adjudication). Even if every court referral was for a different youth (no repeat visitors), that means the juvenile justice system interacted with, at most, about 1.7% of the children, ages 10 to 17, that our schools dealt with on a day-to-day basis during the same time period.

In addition, each school district (there are 41 in Utah) is under the direction of its own superintendent, who then answers to a locally-elected board. Districts are also accountable to the state office of education, which has its own superintendent, who answers to a completely different school board, also elected by voters, representing the entire state. Utah's many dozens of public charter schools, each with their own board, add yet another layer of complexity.

This helps us understand why, despite the inclusion of Utah State Board of Education (USBE) staff representatives on the JJWG in 2016, many school administrators and

educators reported feeling somewhat "blindsided" by the policy change regarding school-based referrals. Some school districts had come to rely on court referrals as part of their tiered responses to school-based misconduct. Exacerbating the districts' difficulties in adjusting to this new policy directive, was the fact that no substantive alternatives (or funding for the exploration of such alternatives) were suggested by the legislative language.

In 2018, in response to schools' struggles to adjust to the new policy, Rep. Lowry Snow introduced HB132, "Juvenile Justice Modifications."<sup>9</sup> This legislation provided more specific guidance for schools regarding non-court interventions for low-level misconduct, and granted a two-year reprieve for implementation of HB239's school-based referral policy change. It also clarified allowable interventions by SROs, when misconduct occurs on school property, and allowed schools to use alternative funding sources in the development of school-based responses to truancy.

It is unclear whether, prior to the successful passage of HB132, all schools were in compliance with the new school-based referral policy. It is a monumental effort for USBE staff to collect and make sense of discipline data from all districts and charter schools; this effort is currently underway, but as yet unrealized. Also unclear is whether the alternative discipline processes implemented in school districts, in lieu of traditional referrals to court and to law enforcement, are more effective than previous court-initiated

interventions. In fact, there are no publicly-available reports that describe what each district is doing in response to low-level offenses, if that misconduct was previously referred to the court system.

Despite these many challenges, data show that referrals from schools to the juvenile court system are down. This is good news, but it is only part of the story. Schools need meaningful technical assistance, substantial targeted investment and – perhaps most importantly – plenty of time in order to accomplish the cultural changes necessary to ensure that youth engaged in misconduct are getting help and support for the issues driving their behaviors.

**To see statewide improvement in this area, we need a statewide commitment to reforming and improving school discipline practices, which must include sufficient funding by the state to enable schools to absorb these new challenges.**

## 4. END THE PRACTICE OF TRACKING YOUTH IN NON-TRANSPARENT DATABASES

This recommendation was inspired by community stakeholder concerns that governmental responses to gang activity in Utah have contributed to negative stereotypes of young people of color, regardless of actual gang affiliation or

individual criminal activity. Labeling young people as “gang-involved,” based on family connections or physical appearance, can contribute to inappropriate and unnecessarily harsh system contact for these youth, even when they engage in the same age-appropriate misconduct as their peers.

Aside from limited legal action in specific areas of the state,<sup>10</sup> resulting in changes within some law enforcement agencies, we are not aware of systemic efforts, in general, to transform current gang intervention approaches in Utah, or, specifically, to end the use of “gang databases.”

Because these gang databases are not transparent to the public, it is not possible to say how many are in use in Utah as of this report. We do know, however, that they continue to exist and are used regularly by law enforcement agencies in Utah. Gang databases have been mentioned by law enforcement personnel at recent iterations of both the Metro Gang Conference and the Northern Utah Gang Conference.

Violence perpetrated by, and also within, gangs is a real threat to some Utah youth, and hence deserves an appropriate response from community leaders, elected officials and law enforcement. We strongly recommend that appropriate responses will always be most heavy on prevention, with less reliance on late-stage interventions that carry unforeseen negative consequences (such as when youth of color, labeled as “gang involved,” are seen as less deserving of compassionate intervention).

There are opportunities for juvenile justice policymakers to partner with law enforcement agencies and their gang units to cultivate a more community-centric, trauma-informed approach to gang interdiction. We look forward to seeing more concerted collaboration in this area.

## 5. EMPOWER AND INVIGORATE UTAH'S DISPROPORTIONATE MINORITY CONTACT (DMC) SUBCOMMITTEE.

Utah is fortunate to have an official body dedicated to addressing racial and ethnic disparities in our juvenile justice system. The Disproportionate Minority Contact (DMC) subcommittee - recently renamed the Racial and Ethnic Disparities (RED) Subcommittee - collects and publishes annual data on these disparities (used as the basis for this report), and also assists in the oversight of statewide DMC/RED-related projects. This recommendation was rooted in our belief that this entity could play a greater role in actively reducing the racial and ethnic disparities reflected in this report. With several successes under its belt, the DMC/RED Subcommittee could be an even stronger advocate for equity in Utah's juvenile justice system.

The DMC/RED Subcommittee's efficacy in addressing racial and ethnic disparities,

particularly in the context of juvenile justice reform implementation, has been stymied somewhat by staff turnover. As of the beginning of June 2020, the DMC/RED Subcommittee had been without a staff coordinator six months. In the time since Utah's juvenile justice system analysis was conducted in 2016, three different individuals have held the position of DMC/RED coordinator.

Good and important work has been undertaken by the DMC/RED Subcommittee in past years. It is capable of even more. The DMC/RED has the strong support of the Utah Board of Juvenile Justice, within the office of the Commission on Criminal and Juvenile Justice, and includes among its members several engaged community leaders and public servants. It is well positioned to lead state-level efforts to reduce racial and ethnic disparities in our juvenile justice system. Currently, though, much of the potential of Utah's DMC/RED Subcommittee remains unrealized.

We believe that the DMC/RED still has the potential, with careful attention and deliberate action, to grow into a gathering place for collaboration and leadership in reducing racial and ethnic disparities in the juvenile justice system. Increasing the pay and status of the DMC/RED coordinator position, for example, would be one way for the state to signal a strong commitment to making progress toward the equitable treatment of all youth within Utah's juvenile justice system.



# SECTION 2

## ENDNOTES

**1** - "Racial Disparities in Utah's Juvenile Justice System," (2017). Accessed at <https://www.utahchildren.org/images/pdfs-doc/2017/RacialDisparitiesUtahJuvenileJustice.pdf>.

**2** - "Disposition" is the term used in Utah's juvenile justice system to indicate what would be called a "sentence" in the adult criminal justice system.

**3** - "Status offense" refers to misconduct, engaged in by a person under the age of 18, that would not be considered a criminal or civil violation if it were committed by a legal adult. For example, chronic truancy from school, running away from home, and violating curfew are all status offenses.

**4** - "Secure care" in the juvenile justice system is the equivalent of prison in the adult criminal justice system. Secure care is used for youth who have been ordered by a judge to spend a relatively longer time in state custody. "Detention" also involves youth being held in locked facilities, but, by contrast, can be used before a younger person receives a disposition from a judge. Detention is used when a relatively shorter time is spent in state custody, and is the equivalent of jail in the adult criminal justice system.

**5** - Brett Peterson, Director of the Utah Division of Juvenile Justice Services, publicly presented on the agency's new approach many times during 2019; specifically, this model was shared during a Juvenile Justice Oversight Committee (JJOC) meeting in July 2019, and again in October 2019.

**6** - For Utah-based research, see *From Fingerprint to Fingerprints: The School-to-Prison Pipeline in Utah*, produced by the University of Utah S.J. Quinney College of Law's Public Policy Clinic (2014), accessed at <https://app.box.com/s/7ylyziug6ims8ahuwa06>; and *Misbehavior of Misdemeanor? A Report on Utah's School to Prison Pipeline*, produced by Voices for Utah Children and the University of Utah S.J. Quinney College of Law's Public Policy Clinic (2017), accessed at [https://www.utahchildren.org/images/pdfs-doc/2017/Misbehavior\\_or\\_Misdemeanor\\_-\\_Report\\_on\\_Utahs\\_School\\_to\\_Prison\\_Pipeline.pdf](https://www.utahchildren.org/images/pdfs-doc/2017/Misbehavior_or_Misdemeanor_-_Report_on_Utahs_School_to_Prison_Pipeline.pdf)

**7** - Utah State Board of Education, "Fingertip Facts," (School Year 2017-2018). Accessed at <https://www.schools.utah.gov/file/5e1d0ce7-c96e-435c-915c-12c92f80bae7>.

**8** - The definition of youth, by age, who are “at risk” for system involvement in Utah is about to change. As of July 1, 2020, youth in Utah under the age of 12, with some exceptions for very serious misconduct, will no longer be referred to juvenile court as a recourse for antisocial behavior. Rather, they will be served first through non-court Youth Services programming. This new state law (HB262) was passed during the 2020 General Session of the Utah State Legislature, and signed into law by Governor Gary Herbert. The full language of HB262 is available at <https://le.utah.gov/~2020/bills/static/HB0262.html>.

**9** -Full language of HB132 is available at <https://le.utah.gov/~2018/bills/static/HB0132.html>.

**10** - Specifically, *Winston v. Salt Lake City Police Department* (2016), in which the ACLU of Utah brought a lawsuit on behalf of three high school students who were detained and interrogated as part of a schoolwide “gang operation” conducted by a joint agency gang task force in Salt Lake County (case information accessed at <https://acluutah.org/legal-work/resolved-cases/item/332-winston-v-salt-lake-city-police-department-2013>); and the ACLU of Utah’s multi-action efforts on behalf of plaintiffs targeted by “gang injunctions” enacted against hundreds of individuals in Ogden City and Weber County (case information accessed at <https://acluutah.org/legal-work/resolved-cases/item/887-post-conviction-remedies-act-cases> and <https://acluutah.org/legal-work/resolved-cases/item/333-weber-co-v-ogden-trece>).



# 3. JUVENILE JUSTICE SYSTEM RACIAL & ETHNIC DISPARITIES IN 2019

Since reform of Utah's juvenile justice system began in earnest several years ago, the state has experienced a sizeable decrease in the number of youth who become officially involved with the system. Even before HB239 was enacted in 2017, there has been a steady decrease in overall referrals of young people to the juvenile justice system (Fig. 1), and this trend - which is generally mirrored across the United States<sup>1</sup> - has continued in recent years.

This is good news for public safety in Utah, and also bodes well in terms of positive outcomes for young people who may become engaged in age- and developmentally-appropriate antisocial experimentation.

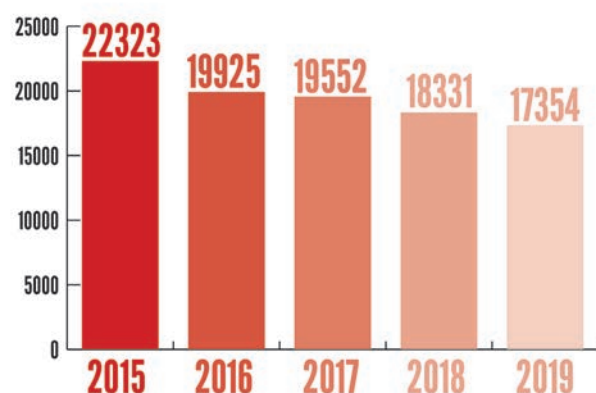
Similarly, petitions of youth to juvenile court for misconduct were on the wane prior to systemic reform efforts. Between 2017 and 2018, though, the drop was comparatively precipitous (Fig. 2).

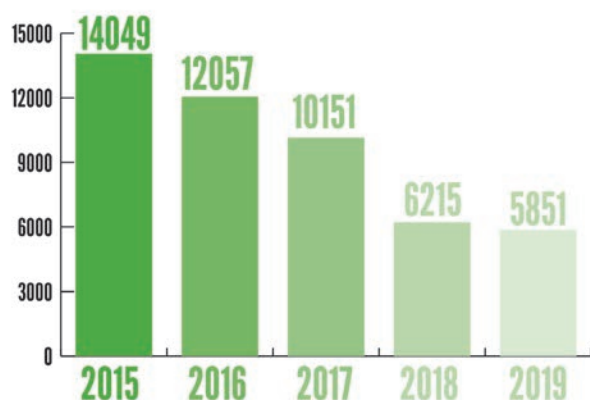
From 2015 and 2016 (the year in which the statewide juvenile justice system analysis was conducted), petitions to court dropped from 18,166 to 16,477, a decrease of about 9.3%. By comparison, between 2017 (when HB239 was passed into law) and 2018, petitions

to court dropped from 12,464 to 6,790 - an impressive decrease of nearly 46%. The reason that this is good news for Utah youth, is that research (both generally, and specifically in Utah) shows that system-involvement produces dubious outcomes, particularly for youth who are at low and moderate risk for future reoffense.<sup>2</sup>

**Utah appears to be successful in its efforts to hold youth accountable for misconduct, and to deal with any underlying issues that may contribute to that misconduct, without formal court involvement.**

**FIGURE 1.**  
**REFERRALS TO JUVENILE COURT 2015-19**

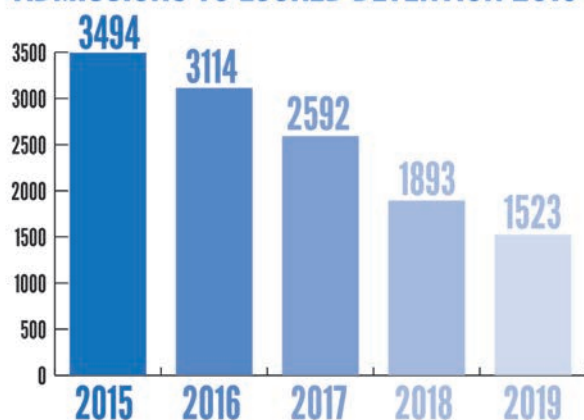


**FIGURE 2.****PETITIONS TO JUVENILE COURT 2015-19**

Not quite so dramatic, but still meaningful, have been the decreases in cases resulting in secure care placements and in the number of admissions to locked detention. Again, the 2016 system analysis revealed that these expensive and often counterproductive interventions were being overused with youth who were assessed to pose only a low or moderate risk of reoffending.<sup>3</sup>

The introduction of a verified Detention Risk Assessment Tool (often called the “DRAT”) has helped to substantially accelerate the downward trend seen since 2015 in admissions to locked detention (Fig. 3). Between 2015 and 2016, admissions fell from 6,471 to 6,191, a decrease of about 4.3%; by comparison, once statutory reforms began to take effect between 2017 and 2018, admissions fell from 5,567 to 4,516 - a reduction of nearly 19%.

Another key element of Utah’s juvenile justice reform has been to increase youth access to interventions and accountability

**FIGURE 3.****ADMISSIONS TO LOCKED DETENTION 2015-19**

measures through “non-judicial adjustments,” an alternative to formal system involvement overseen by a juvenile court judge. HB239 mandated that most youth who are referred to court for low-level and first-time misconduct be offered a non-judicial adjustment in lieu of a formal petition to court.

The data show that this effort has been successful; as formal court petitions have fallen (Fig 2), the use of non-judicial adjustments (NJA) to facilitate interventions and accountability measures has risen dramatically (Fig. 4). The use of NJAs actually decreased by approximately 16.7% between 2015 and 2016, right before reform efforts began in earnest. Their use increased by nearly the same margin between 2016 and 2017, and then jumped more dramatically - by approximately 35% - between 2017 and 2018.

The essential thrust of this report is that while Utah has been successful in shrinking the size of its juvenile justice system, while expanding opportunities for prevention and early

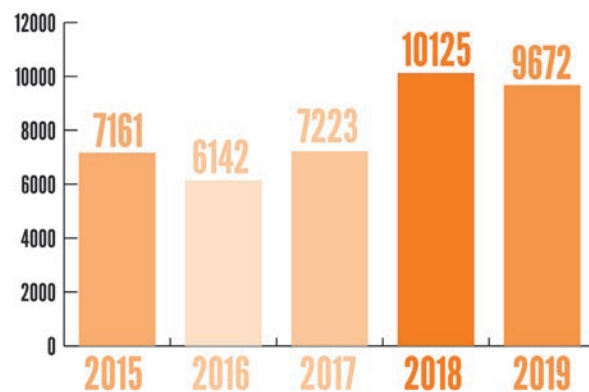
intervention that offer better outcomes for youth and their families (as well as increased return-on-investment for taxpayers), we have yet to realize similar success with regards to equity and fairness in that system.

The data consistently show that while fewer Utah youth are arrested, petitioned to juvenile court, placed in state custody in locked facilities and removed from their families in an attempt to ameliorate antisocial behavior, we still see significant racial and ethnic disparities within the system overall. Children of color are still more likely to be arrested, petitioned to court and given more serious punishments as their white peers. At some points of the system, these disparities have actually worsened since we reported on them in our 2017 report.

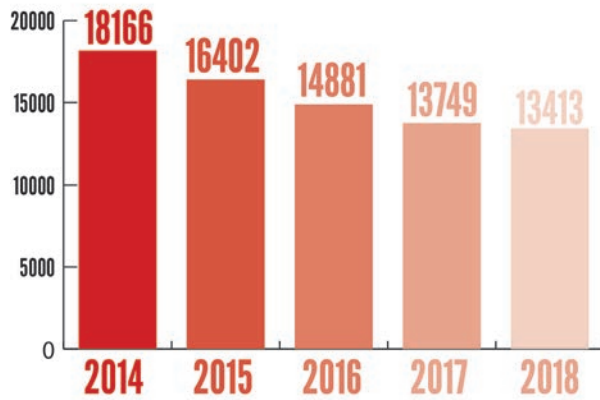
**While the overall size of the juvenile justice system in Utah is shrinking, we are still seeing far too many children of color, relative to their representation in our state, enmeshed in that system.**

Figures 5 and 6 provide a dramatic example of this reality. Between 2014 and 2018, overall juvenile arrests in Utah fell from 18,166 to 13,413, a drop of 26.2% (Fig. 5). When we take into account that the overall school-aged youth population in Utah grew during that time from 612,140 in 2014 to 659,008 in 2018, that decrease is even more impressive.<sup>4</sup> In 2014, the rate of juvenile arrest was approximately 35 arrests per 1,000 youth; by comparison, in 2018, the rate was approximately 26 arrests per 1,000 youth.

**FIGURE 4.**  
**NON-JUDICIAL ADJUSTMENTS 2015-19**



**FIGURE 5.**  
**YOUTH ARRESTS 2014-18**

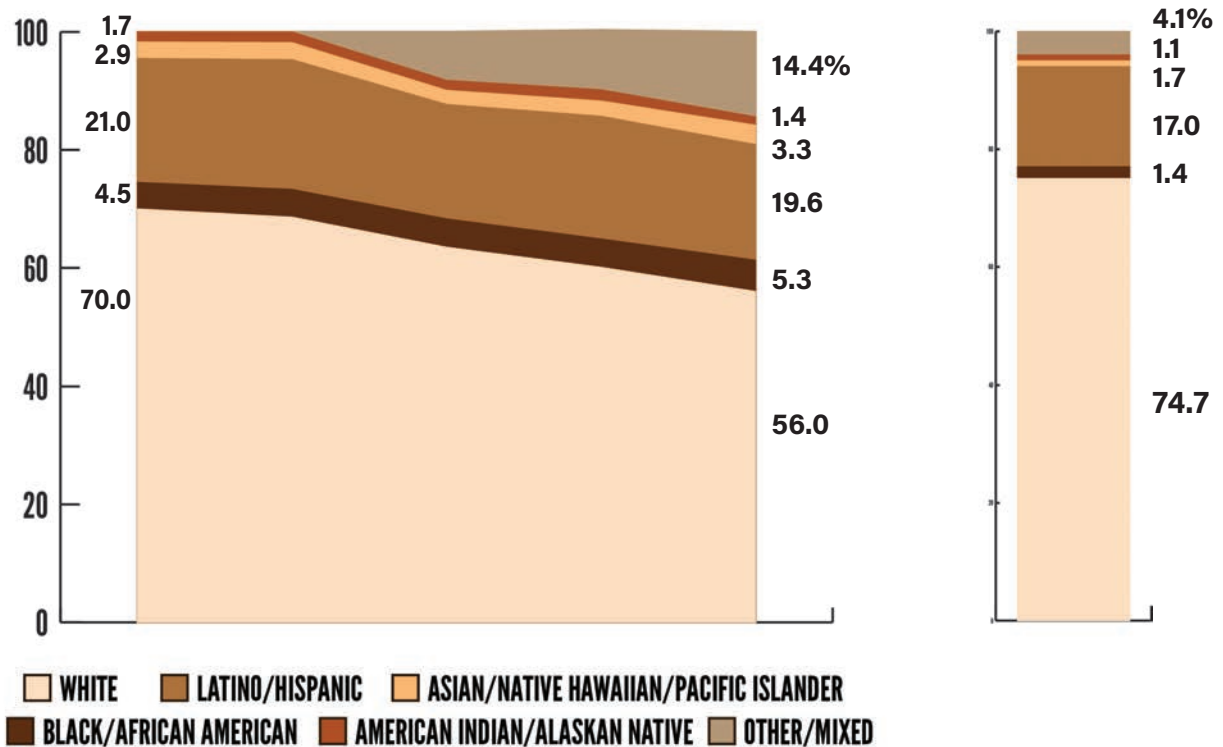


As stated previously, this reduction in overall youth contact with the front end of the juvenile justice system is good news. That reduction, however, has not been equitable, as it has been achieved primarily through a reduction in white youths' contact with law enforcement. White youths' proportion of overall arrests dropped from 70% in 2014 to 56% in 2018 (Fig. 6).

**FIGURE 6.**

## YOUTH ARRESTS BY RACE AND ETHNICITY 2014-2018

## UTAH YOUTH POPULATION 2017



Accordingly, non-white youths' proportion of overall arrests increased from 30% in 2014 to 44% in 2018. The overall proportions of white and non-white youth in Utah's population have not changed that dramatically, not even close.

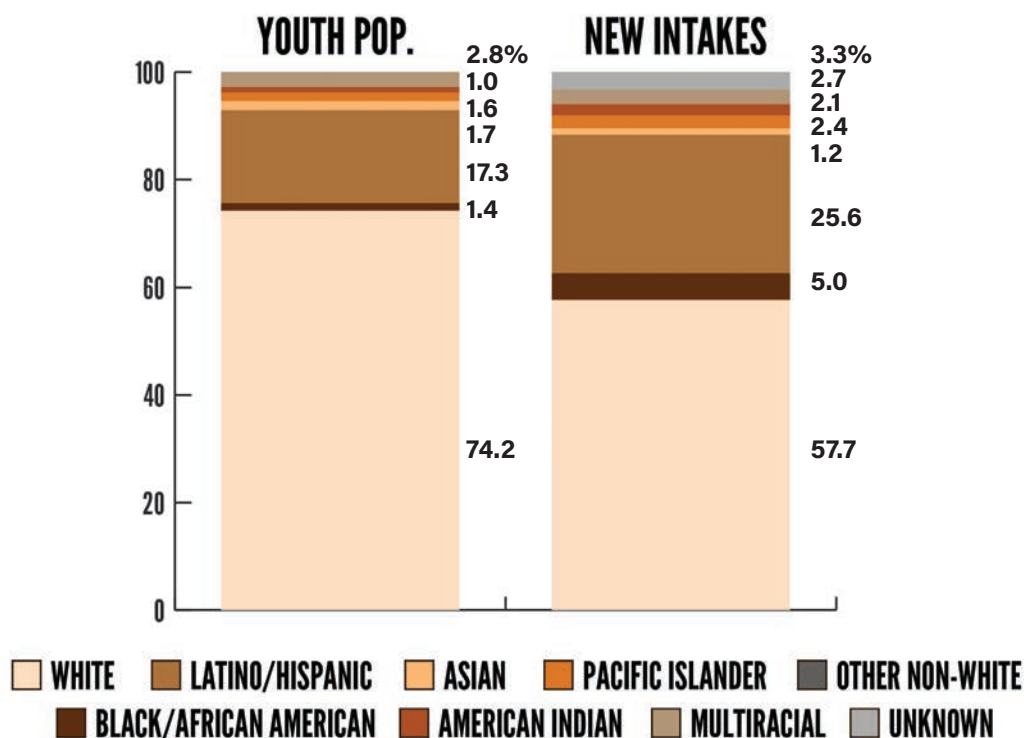
To better illustrate this point, Figure 6 includes the youth population figures for Utah from 2017, disaggregated by race. As we move from 2014 to 2018, the data show a stark increase in racial disparities relative to the overall youth population. Even as juvenile arrests are decreasing, racial disparities in juvenile arrests are increasing.

*Note: American Indian/Alaskan Native is the governmental research term used for this particular racial/ethnic group; in our report, we use "Native/indigenous" interchangeably with the more institutional description.*

In 2019, Utah's general school-aged youth population was approximately 74.2% white and 25.8% non-white.<sup>5</sup> Specifically, Latino/Hispanic children comprise 17.3% of the overall school-aged youth population; multiracial children, 2.8%; Asian children, 1.7%; Pacific Islander children, 1.6%; Black children, 1.4; and Native/Indigenous children, 1.0% (Fig. 7). This represents very little change in demographics since our initial report,

FIGURE 7.

## YOUTH POPULATION VS. INTAKES TO JUVENILE JUSTICE SYSTEM 2019



which used 2015 data (when white children comprised 75% of the youth population, and non-white children 25%).

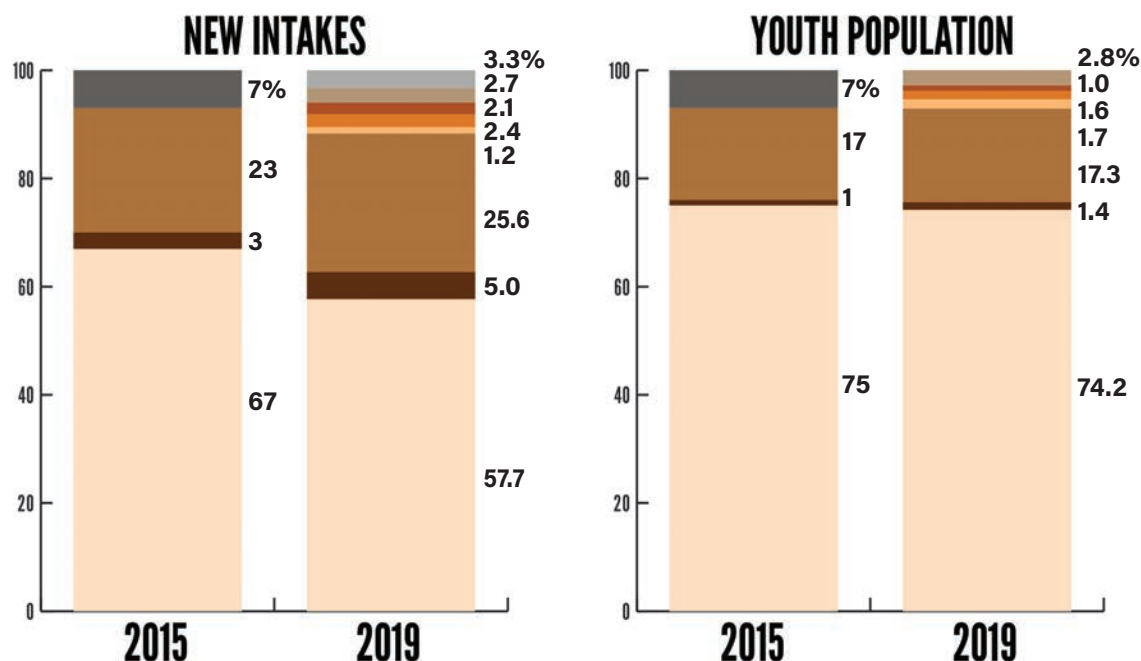
The racial/ethnic makeup of the youth who were referred to the juvenile justice system in 2019, however, was dramatically different from the overall youth population in that same year. White children made up only 57.7% of all “new intakes” to the system, and non-white children made up 42.3% of that same group (Fig. 7).

**White children made up nearly three-quarters (3/4) of the general school-aged population in Utah, but less than three-fifths (3/5) of all new intakes to the system.**

Latino/Hispanic children represented 25.6% of new intakes to the system, compared to their 17.3% of the general school-aged population. This is a dramatic overrepresentation for Latino/Hispanic children (nearly 50% more than what would be expected in an equitable system), but the disparities were even worse for Native/Indigenous children, and especially bad for Black children.

Native/Indigenous children represented twice as large a proportion of new intakes as of the general school-aged youth population (2.1% vs. 1.0%). Black children, who made up only 1.4% of Utah’s general school-aged youth population, represented 5.0% of all

**FIGURE 8. CHANGE IN DISPARITIES FROM 2015 TO 2019: YOUTH POPULATION VS. NEW INTAKES**



new system intakes (more than three times what we would expect to see in an equitable system). Pacific Islander children and children of “unknown” race/ethnicity were both overrepresented among new intakes, as well. Multiracial children were very slightly underrepresented (2.7% of new intakes vs 2.8% of the general population), while Asian youth were underrepresented to a greater degree even than white children (1.2% of new intakes vs 1.7% of the general population).

Figure 8 illustrates the differences in racial disparities between 2015 and 2019. Again, while the composition of the general school-aged youth population changed very little over the course of those four years, we saw a dramatic change in the composition of new

intakes to the juvenile system. White children were underrepresented among new intakes in 2015 (67% of new intakes vs 75% of the general population), but the disparity was even greater in 2019 (58% of new intakes vs 74% of the general population).

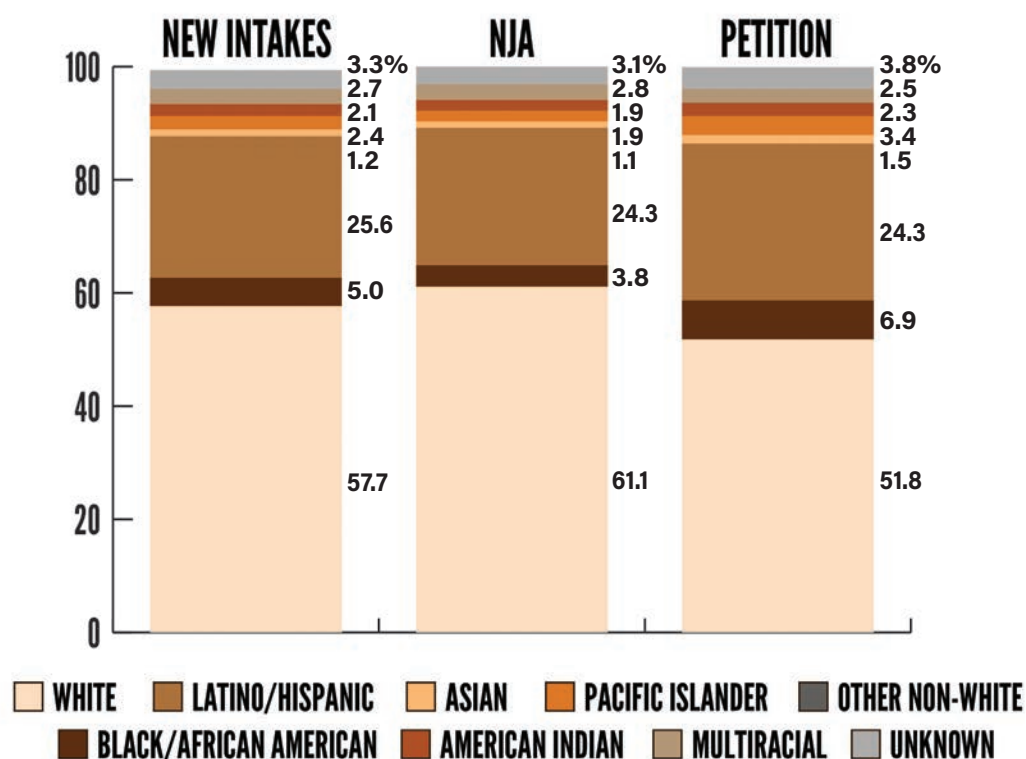
Accordingly, non-white children’s proportion of the new intake population grew from 2015 to 2019. Unfortunately, the 2015 data made available by the Juvenile Justice Working Group and reproduced in our 2017 report, did not disaggregate beyond the following for categories: white, Latino/Hispanic, Black and “other non-white.”

Our 2017 report noted community stakeholders’ objections to the lumping



FIGURE 9.

## INTAKES TO JUVENILE JUSTICE SYSTEM VS NON-JUDICIAL ADJUSTMENTS & PETITIONS TO COURT



together of Native/Indigenous, Asian, Pacific Islander, and mixed race children, and we were able to obtain more finely disaggregated data for 2019.

Even with the limitations these differences create for a 2015-to-2019 comparison, there are important observations to be made. Non-white children comprise an even greater proportion of new intakes in 2019 (42.3%, as compared to 33% in 2015), even as the overall number of new intakes to the system decreased (22,323 to 17,354).

The disparate representation of Latino/Hispanic children has worsened (from 23%

of new intakes in 2015 to 25.6% in 2019), and the negative change has been even more dramatic for Black children (3% of new intakes in 2015 to 5% in 2019).

**The 2019 data reveal that white children are not only less likely to be referred to the juvenile justice system, but that, once referred, they are more likely to be offered alternatives to official court involvement.**

As mentioned previously, NJAs are used increasingly as part of Utah's reformed system, to give youth more opportunity to make amends and take accountability without going before a juvenile court

judge and developing a record of serious system involvement. Of course, government prosecutors still are able to petition children to appear before the court to answer for their alleged misconduct before a judge; a court petition is a more serious system “entanglement” than an NJA.

While state statute directs that an NJA be offered in several specific circumstances (generally reflecting first-time and low-level misconduct), there is still a fair amount of prosecutorial discretion involved in decisions to submit a formal court petition in response to alleged youth offenses.

Figure 9 shows that while white children made up only 57.7% of new intakes to the system in 2019, they accounted for 61.1% of all NJAs (the “less serious” route offered to youth accused of misconduct). At the same time, they represented just over one-half of all petitions to court (the “more serious” route). White children make up nearly three-fourths (3/4) of the general school-aged population, less than three-fifths (3/5) of referrals to court, and barely over one-half (1/2) of all petitions to court.

**Conversely, non-white children were less likely to be offered an NJA, and more likely to receive a formal court petition for their misconduct. Black, Latino/Hispanic and Native/Indigenous children, in particular, were much more likely to be petitioned to court.**

Already dramatically overrepresented among new intakes at 5%, Black children made up 6.9% of all court petitions (again,

as compared to their only 1.4% portion of the general school-aged youth population). Latino/Hispanic children made up 25.6% of new intakes to the system, but only 24.3% of NJAs and up to 27.7% of court petitions. Similarly, Pacific Islander children were less likely to receive an NJA (1.9% of NJAs vs 2.4% of new intakes) and quite a bit more likely to receive court petitions (3.4% of petitions). Native/Indigenous children were also less likely to receive an NJA (2.1% of new intakes but only 1.9% of NJAs), and only slightly more likely to be petitioned to court (2.3% of petitions).

Multiracial children and children of unknown ethnicity appear in relative proportionality among both NJAs and court petitions. In this area of the system, Asian children do not appear to follow a similar trendline to that of white children, but more closely resemble other children of color. While they represent 1.2% of all new intakes to the system, they make up 1.1% of NJAs and 1.5% of petitions to court.

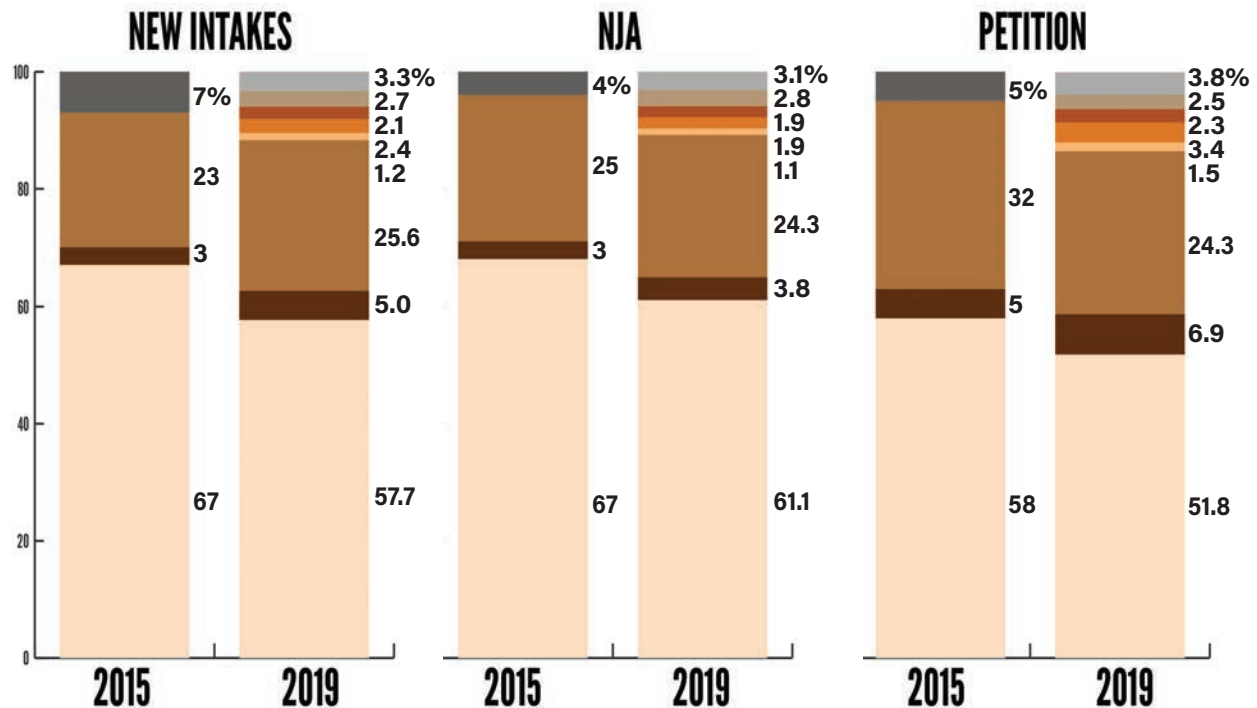
Data from 2015 (Fig. 10, next page) showed a similar pattern: white children were more likely to be offered NJAs, and less likely to be petitioned to court, when compared to their proportion of new system intakes; children of color were less likely to be offered NJAs, and more likely to be petitioned to court, in proportion to their representation among new system intakes. However, the pattern has become more pronounced in the 2019 figures.

**It appears that reform efforts to provide more “early off-ramps” away from system involvement for youth charged with**



FIGURE 10.

## CHANGE IN DISPARITIES FROM 2015 TO 2019: INTAKES TO SYSTEM VS NON-JUDICIAL ADJUSTMENTS, PETITIONS TO COURT



misconduct, have produced such “off-ramps” with less frequency for children of color.

Once a young person receives an official petition to court, they will appear before a juvenile court judge, who will hand down an “adjudication” - the term used in juvenile court for what we would call a “sentence” in adult criminal court.

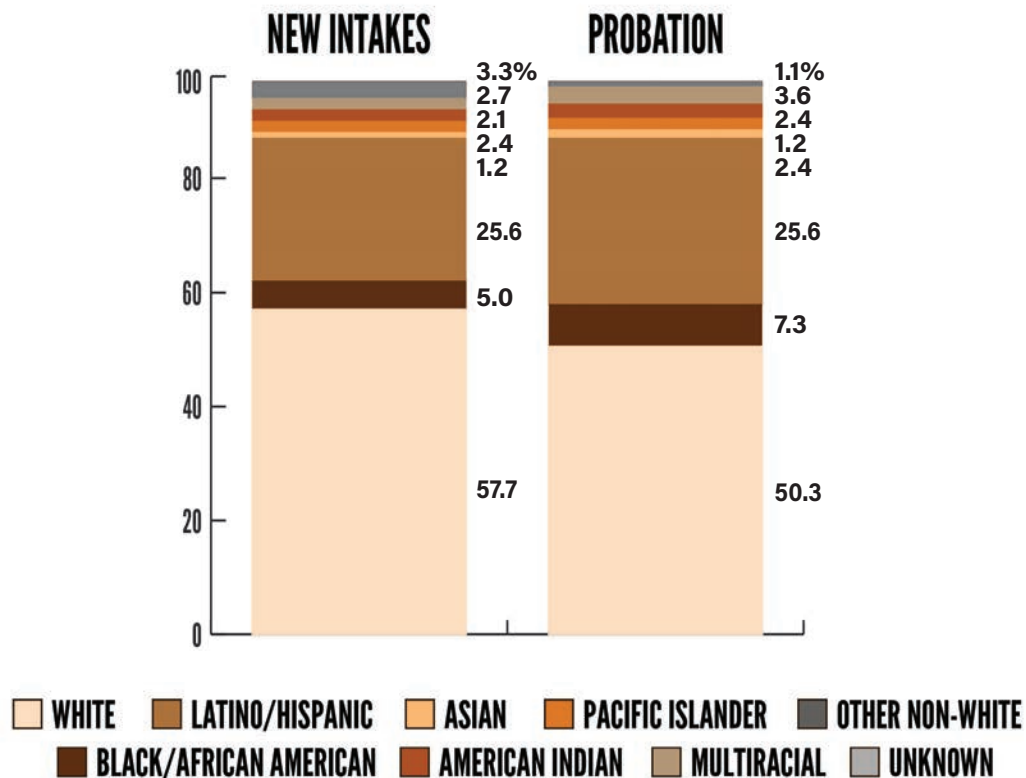
Typically, a “probation” disposition is considered less invasive and less “punishing” than an adjudication that results in the young person being ordered to leave their home for some sort of custodial placement.

Such a placement could be a community-based program (such as a substance abuse treatment facility or a therapeutic program for youth who commit sexually-based offenses), a locked detention program (for shorter stays, with increased access to community-based activities such as work and family visits), or a secure care facility (for longer stays, with much more limited out-of-facility access).

For these reasons, we consider “probation” to be the least harsh of adjudications for petitioned youth, followed by community placement, then locked detention and finally secure care.

FIGURE 11.

## INTAKES TO JUVENILE JUSTICE SYSTEM VS CASES RESULTING IN PROBATIONS 2019



Data from 2019 (Fig. 11) show that as we follow this path deeper into the system, white children comprise a smaller and smaller proportion of the population, while children of color comprise a larger and larger proportion. White youth represented barely over half of all probation dispositions (50.3%), nearly equal to the representation of non-white youth (49.7%).

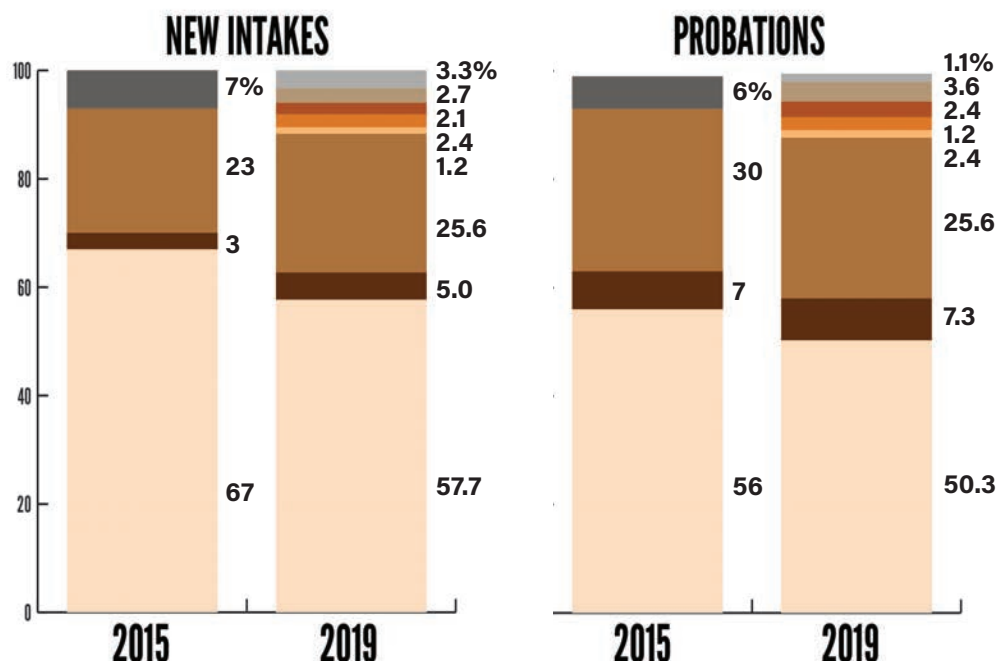
Conversely, the overrepresentation of Latino/Hispanic (29.2%), Black (7.3%), Native/Indigenous (2.4%), and multiracial children (3.6%) became more pronounced. Asian and Pacific Islander youth didn't

see the same increase in disparities at this stage when compared to new intakes, but Pacific Islanders were still overrepresented compared to the general youth school-aged population.

**At this point in the system, Black youth make up 7.3% of all probation dispositions - five times the size of their proportion of the general school-aged youth population (1.4%).**

Figure 12 (next page) illustrates the differences in racial disparities between 2015 and 2019 among probation dispositions.

**FIGURE 12. CHANGE IN DISPARITIES FROM 2015 TO 2019: INTAKES TO SYSTEM VS CASES RESULTING IN PROBATIONS**



Again, we see similar patterns in both sets of data, with disparities worsening for most non-white groups of youth over the course of the four years.

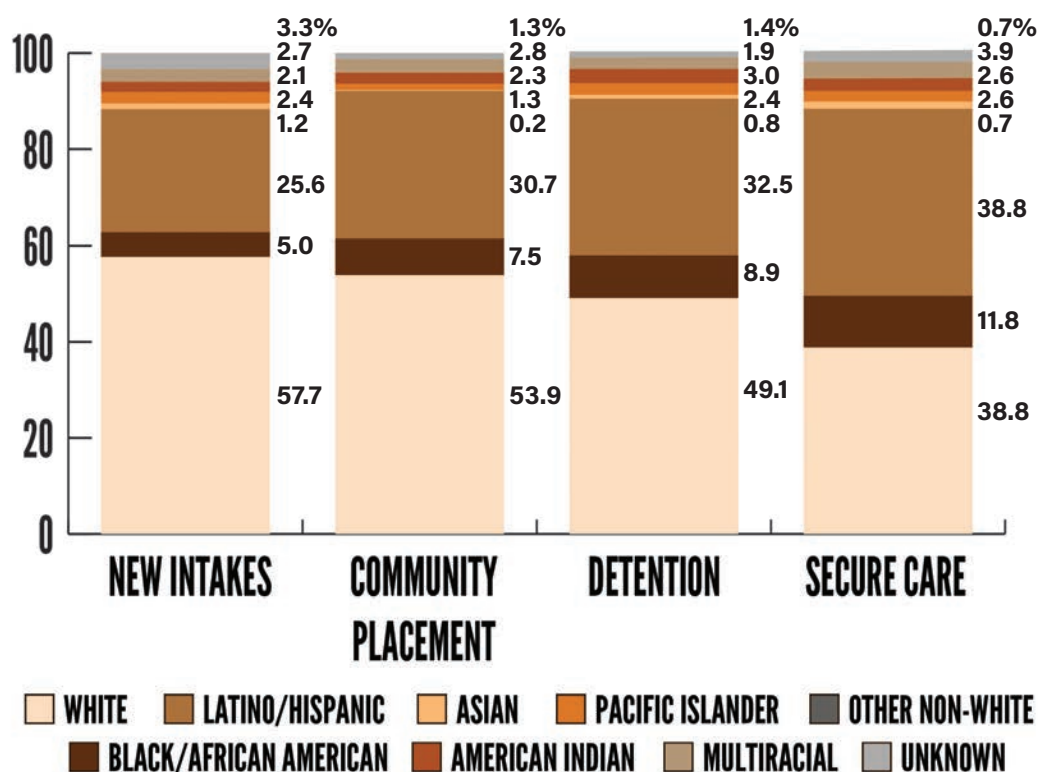
As mentioned previously, youth who do not receive a probation disposition (another type of “early off-ramp” diverting youth from more serious system engagement), typically will receive one of three more serious, out-of-home dispositions: community placement, locked detention or secure care.

Figure 14 illustrates the racial and ethnic breakdown across these three juvenile court dispositions. Locked detention admissions also include young people who may be

placed in a detention setting before they receive a formal disposition from a juvenile court judge (such as those children awaiting an initial court hearing or awaiting a formal adjudication).

Overall, when compared to the population of new intakes to the system, the population of youth in community placement, locked detention and secure care is disproportionately non-white. This indicates that as youth become more deeply involved in the system, children of color become more and more overrepresented. White children are more likely to move out of the system, while non-white children are more likely to experience “more serious” dispositions.

**FIGURE 13. INTAKES TO SYSTEM VS CASES RESULTING IN COMMUNITY PLACEMENT, LOCKED DETENTION & SECURE CARE 2019**



White children represented nearly 54% the population of young people in community placement settings, which was less than their proportion of both new intakes (57.7%) and the general population (74.2%), but more than their occurrence in locked detention settings (49.1%). White children are dramatically underrepresented in secure care settings, at approximately 39% of that population. White children are in the majority with regard to the community placement population (a “less serious” adjudication), but in the minority of both the secure care and locked detention settings (“more serious” adjudications).

**White children make up nearly three-fourths (3/4) of the general school-aged youth population, but less than half (1/2) of the population in locked detention and less than two-fifths (2/5) of the population in secure care.**

Latino/Hispanic children were a larger proportion of the secure care (38.8%) and locked detention (32.5%) than they were of the community placement population (30.7%). The proportion of Latino/Hispanic children in locked detention was nearly double that in the general population (32.5% vs 17.3%);

their proportion in secure care was more than double that in the general population (38.8% vs 17.3%).

**Note that the number of Latino/Hispanic children in secure care was equal to that of white children, though white children outnumbered Latino/Hispanic children in the general school-aged youth population by a factor of more than four to one.**

Native/Indigenous children and multiracial children were represented among community placement dispositions (2.4% and 2.8%, respectively) at rates similar or slightly elevated when compared to those among new intakes to the system (2.1% and 2.7%, respectively), while both Asian and Pacific Islander children were both underrepresented in the community placement population when compared to new intakes (0.2% vs 1.2% for Asian youth and 1.3% vs 2.4% for Pacific Islander youth).

The proportion of every group of non-white children (with the exception of multiracial children and those of “unknown” race/ethnicity) was larger among the locked detention and secure care populations, than among the community placement populations. Native/Indigenous youth, in particular, were represented by stark disparities in this regard. Native/Indigenous children made up just 1.0% of the general school-aged youth population, but over 2% of new system intakes; comparatively, these children made up 3% of locked detention admissions, and nearly the same proportion of secure care admissions (2.6%).

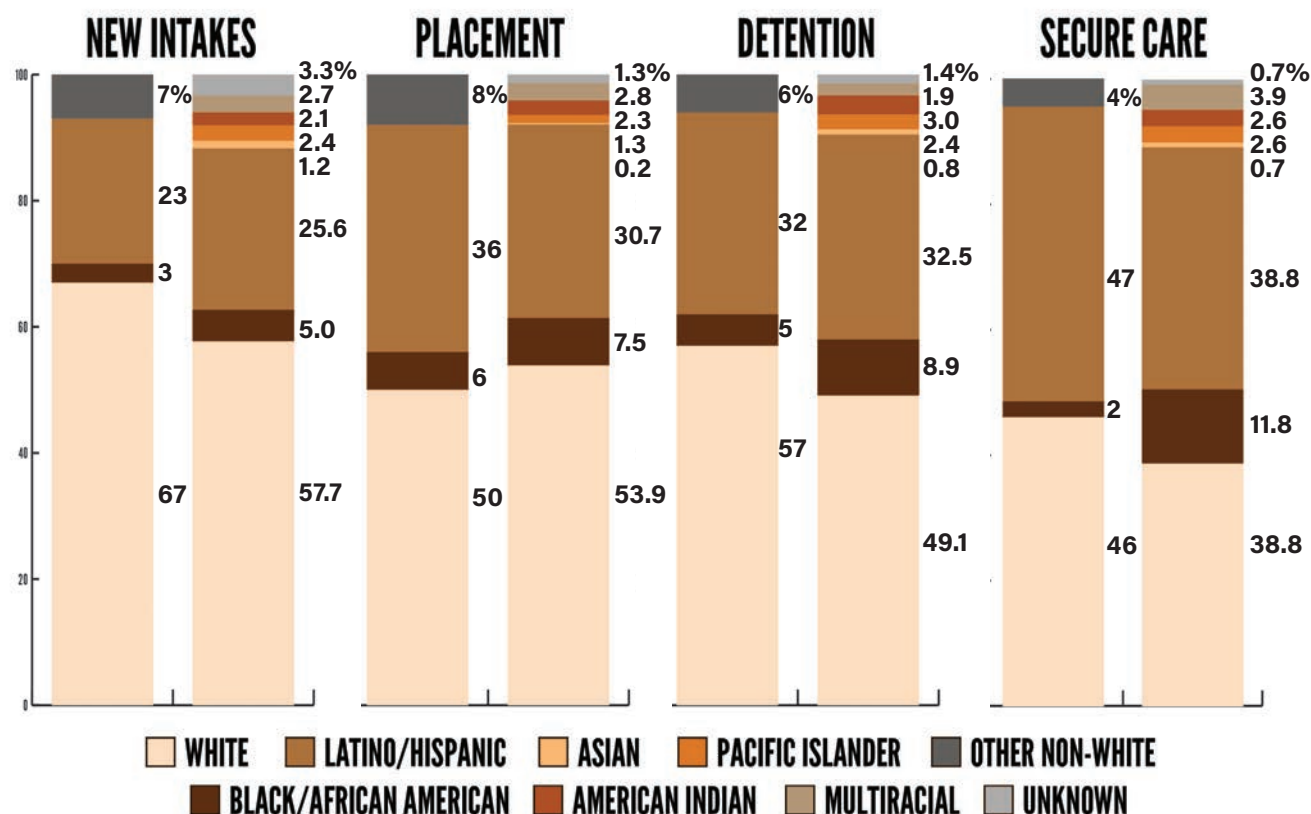
**Native/Indigenous youth are present in locked detention settings at three times the rate we would expect from an equitable representation. They were proportionately more likely to be in locked detention or secure care settings, than in community placement settings.**

The sample size of youth in community placement settings was n=469. This is good news, overall, with regards to the size of Utah’s juvenile justice system. Only 469 youth in the state of Utah in 2019 were ordered to participate in an out-of-home juvenile justice program (such as substance use disorder programs), out of more than half a million school-aged youth statewide. Even more impressively, the sample size of youth in secure care settings was n=152.<sup>6, 7</sup> This indicates that the system is fairly efficient at administering interventions that don’t require a young person to be removed from their home, school and community to receive help and to create accountability.

The sample size of locked detention admissions for this disaggregated data was n=1491.<sup>8</sup> Again, this is good news, overall. Admissions to locked detention have dropped by more than 50% since 2015, largely due to changes in admissions criteria (via the DRAT). However, this validated assessment nonetheless takes into account “static” or “stable” factors that can be influenced substantially by systemic and institutional racism (for example, the consideration of past offenses as “gang-related,” or the total number of previous interactions with the system). This is one of several potential reasons that



**FIGURE 14. CHANGE IN DISPARITIES FROM 2015 TO 2019:  
INTAKES TO SYSTEM VS COMMUNITY PLACEMENT, LOCKED DETENTION & SECURE CARE**



disparities in locked detention admissions continue to be pronounced and troubling.

Particularly troubling is the disparate representation of Black youth involved in the juvenile justice system. Black children were, among all children, most starkly overrepresented in all three dispositions when compared to both their proportion of new system intakes (5.0%) and of the general school-aged youth population (1.4%).

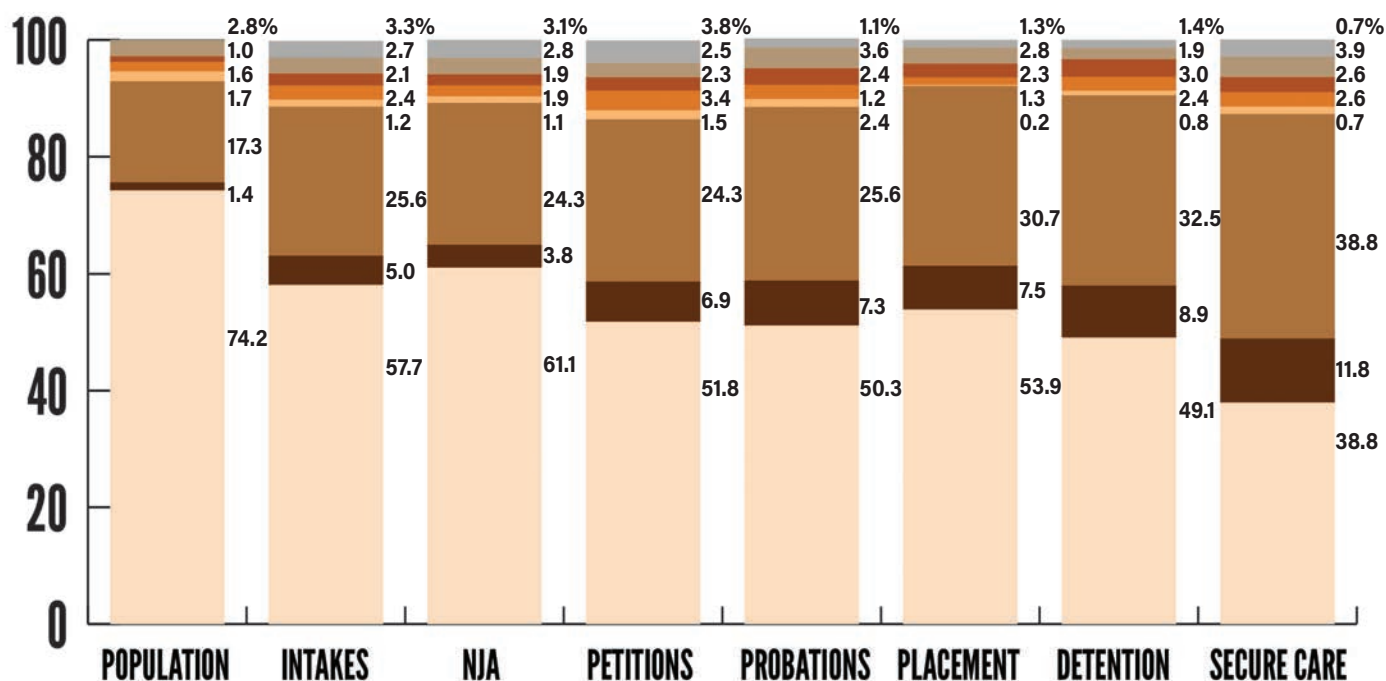
Black children make up 7.5% of all community placement dispositions, similar to the 7.3% of all probation dispositions that they represent.

However, Black children make up 8.9% of locked detention admissions (more than six times their proportion in the general population), and 11.8% of all secure care placements (nearly eight-and-a-half times their proportion in the general population). Utah's juvenile justice system is producing even less equitable outcomes for Black children in 2019 than in 2015 in this regard.

Figure 14 compares the new intakes, community placements, locked detention admissions and secure care dispositions from 2015 to those in 2019. As previously noted, all these overall numbers are down. Figure

FIGURE 15.

## ALL REFERRALS, INTERVENTIONS AND DISPOSITIONS BY RACE/ETHNICITY 2019



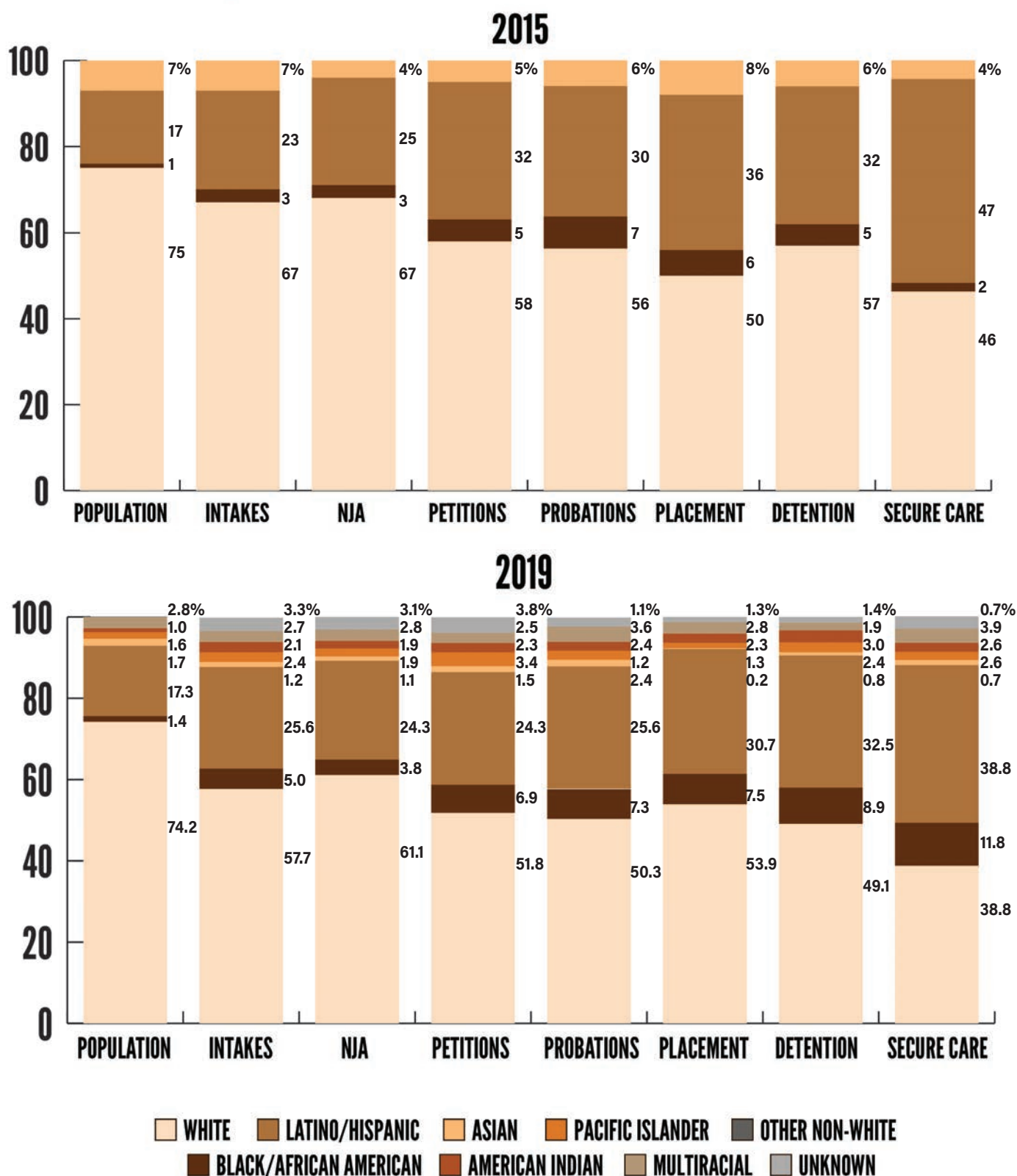
15 makes clear, though, that the disparities between white and non-white children substantially worsened in many regards over those four years.

It is true that Latino/Hispanic children represented a smaller proportion of the secure care population in 2019 (38.8%) than in 2015 (47%). However, their population in secure care was still approximately equal to that of white children (46% in 2015 and 38.8% in 2019), despite Latino/Hispanic children being outnumbered by white children in the general population by a factor of more than four to one.

Black children were substantially more inequitably represented in the populations of community placements, locked detention and secure care in 2019 and 2015. This also was largely true for the category of “Other Non-White” children (as labeled in the 2015 data), which we describe in our 2019 data as children who are Native/Indigenous, Asian, Pacific Islander, multiracial and of “unknown” race/ethnicity.

In 2015, “Other Non-White” youth represented 8% of all community placements; in 2019, the comparable population of children who are Native/Indigenous, Asian, Pacific Islander,

**FIGURE 16. CHANGE IN DISPARITIES FROM 2015 TO 2019:  
ALL REFERRALS, INTERVENTIONS AND DISPOSITIONS BY RACE/ETHNICITY**





multiracial and of “unknown” race/ethnicity remained about the same (7.9% community placements). However, the disparities dramatically worsened within the locked detention admissions population for these combined racial/ethnic groups (6% in 2015 vs 9.5% in 2019), as well as within the secure care population (4% in 2015 vs 10.5% in 2019).

Figure 15 captures the 2019 data shared in previous figures, oriented side-by-side, to better explicate the fact that children of color generally were more likely to be captured into the juvenile justice system and, once there, were more likely to attract harsh dispositions that result in increased system monitoring (through NJAs and probations) and/or removal from their homes and communities.

We can clearly observe that children of color were disproportionately represented among new intakes to the system, when compared to the general school-aged youth population. This overrepresentation was maintained at every level of intervention and disposition, once youth enter into the system via referral.

The disparities were either slightly smaller or similar among the populations offered “early off-ramp” interventions, including NJAs and probation dispositions. The disparities were typically either similar or worse among populations given more “serious dispositions” that result in removal from home and communities.

Figure 16 compares this side-by-side representation of 2019 system data to system data collected in 2015 (and reported by us in

2017). The overall trend of children of color being overrepresented in referrals to the system, and among the harsher dispositions meted out by the system, persist - with a few notable differences.

For example, in 2019, the pattern of white children comprising a larger proportion of “less serious” treatments is even more pronounced. In 2015, we saw a larger proportion of white children in locked detention (57%) than in community placements (50%); in 2019, a slightly larger proportion of white children were found among community placements (nearly 54%, an increase of 4%), and significantly smaller proportion among locked detention admissions (slightly more than 49%, a decrease of 8%).

When comparing the 2015 and 2019 in this way, it becomes increasingly clear that white children comprise a smaller and smaller portion of our shrinking juvenile justice system in Utah. Conversely, reform appears to be providing less positive impact for youth of color.

**A lack of explicit focus on equity in the reform process resulted in little progress with regards to racial/ethnic disparities; rather, these disparities have been allowed to worsen even as the system has been working to improve.**

# SECTION 3

## ENDNOTES

**1** - See data collected and reported by the Office of Juvenile Justice and Delinquency Prevention (2019), accessed at [https://www.ojjdp.gov/ojstatbb/crime/JAR\\_Display.asp](https://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp).

**2, 3** -From "Utah Juvenile Justice Working Group Final Report" (2016), accessed at <https://justice.utah.gov/Documents/CCJJ/Justice%20Policy/Research/Final%20Report/Utah%20JJ%20Final%20Report.pdf>.

**4** - From Utah State Board of Education (USBE) Enrollment statistics, SY2014 to SY2018; see Appendix 5.3 for all underlying population figures.

**5** - All data in Figs. 1-4 and Figs. 6-15 reflect numbers over the course of a federal fiscal year (October 1 of one year through September 30 of the next year). The data in Figs. 5 and 6 reflect numbers over the course of a calendar year (January 1 to December 31 in the same year).

**6** - This sample size is not insignificant, but is small enough to warrant some caution when assessing the relative disparities among children of various races and ethnicities in secure care. However, particularly for Black and Latino children, the number of incarcerated young people is substantial

enough to not swing widely with minor

changes in placement. For example, if there were 15 Black children in secure care rather than 18, their proportion of the secure care population would be 9.9%, rather than 11.8%; the former still represents a stark disparity.

**7** - In contrast to data reported from other inflection points in the juvenile justice system, the number of youth in secure care in Utah has not changed dramatically between 2015 and 2019. Utah has been, and continues to be, a relatively low-incarcerating state, with regards to both juvenile and adult populations.

**8** - There are slight differences in the locked admission counts reported in this section; this is the result of differences between how, and at what times, various agencies and entities report. As the margin of difference is only 2.1%, we have left this discrepancy unadjusted.

# 4. 2020 RECOMMENDATIONS

## 4.1 WHAT POLICYMAKERS CAN DO TO ADVANCE EQUITY

Utah's juvenile justice system could be setting an example for the rest of the nation. To realize that dream, Utah needs to make the elimination of racial and ethnic disparities a priority. To do so, the state should use the strong and effective entities already in place.

Leaders and administrators need to model the collaborative, restorative practices that we continue to recommend to our schools: bring impacted stakeholders to the table to build trusting relationships, then troubleshoot from a place of respect and understanding. We can and should improve on aspects of implementation of our original juvenile justice reform. Juvenile justice reform proponents can do a better job of reaching out to, and supporting, our on-the-ground implementers: specifically, law enforcement and educators.

Racial disparities are the result of hundreds of years of systemic racism that has become entrenched in our policies and practices, despite our best intentions. We may be coming close, in Utah, to the limit of what success "awareness" alone can inspire. Progress in this area will require deliberate focus and intentional action. If we want to see change,

we need to not only correct problems with implementation, but also take bold action to position equitable treatment as a core value and critical measure of success.

Fortunately, Utah has the solid organizational structures, public and community agencies, collaborative partnerships and grassroots leaders to make such action possible. Our hope is that the following recommendations will build upon currently existing foundations of success to allow our state to achieve a juvenile justice system that is not only efficient, effective, fiscally-responsible and research-based but equitable as well. Such a system would be not only the envy of other states across our nation, but an incredible legacy to leave to future generations of Utah children.

### FOR THE JUVENILE JUSTICE OVERSIGHT COMMITTEE

Form an Equity Working Group to focus on system disparities in petitions, dispositions, parole and duration of court jurisdictions.

The JJOC has been meeting and working since HB239 passed in 2017. Strong working relationships, trust among committee participants, and a ceaseless commitment to continuous improvement are part of the established culture of this group.

Various working groups have tackled a number of intricate and complicated policy implementation challenges, successfully and efficiently. Where HB239 directed the state to scale fees and restitution appropriately to the means of system-involved youth and their families, the Restitution Working Group met regularly until the particulars of such a program could be defined and passed along to court staff and judges. The training requirements broadly outlined in the legislation were translated, by the Training Working Group, into an agency- and topic-defined schedule that can be annually updated.

We recommend that the JJOC follow this largely successful approach to tackle at least some of the clear disparities noted in this report. We strongly urge that a JJOC Equity Working Group be both bold and creative in its pursuit of solutions. The Working Group should be prepared for challenging discussions and innovative accountability methods.

Additionally, the Board of Juvenile Justice (UBJJ) and its Racial-Ethnic Disparities (RED) Subcommittee are in excellent position to gather information directly from system-involved youth about how they feel their race and ethnicity may be connected to their system outcomes.

## FOR THE UTAH BOARD OF JUVENILE JUSTICE AND THE RACIAL & ETHNIC DISPARITIES SUBCOMMITTEE

Center youth voices through deliberate engagement to gain deeper insight into how bias and discrimination push Utah youth into the juvenile justice system.

Generally, holding regular focus and discussion groups with youth in detention and secure care settings, as well as in community placements such as substance use disorder programs, would provide valuable insight into what sorts of interventions make a difference for youth who are engaged in misconduct. Focus groups with system-involved youth played an important role in the system analysis undertaken in 2016, and at least one discussion group was held in 2019 with youth participating in a substance use recovery facility in Salt Lake City. These efforts can and should be expanded in the next several years, to help inform on-going efforts to improve system interventions overall.

But UBJJ and the RED Subcommittee can also be courageous about engaging young people directly on topics of implicit bias, perceived discrimination, cultural competency within the system, and interest in culturally-relevant interventions. We recommend that UBJJ

and the RED visit various youth detention and receiving centers across the state to talk frankly with young people about their experiences with race and racism within Utah's juvenile justice system (including school-based interactions and community-based interactions with law enforcement).

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**Partner with community groups to empower parents and other advocates for youth to speak up and advocate for equity.**

UBJJ and the RED Subcommittee have historically shared RED data in a fairly one-directional conversation, releasing annual statistics through the UBJJ website and minimizing broader public discussion. As we've mentioned previously in this report, "awareness" alone can only go so far. In fact, the repeated sharing of data on discrimination, absent action and power-sharing, often can be defeating and even retraumatizing, especially for communities of color.

It is possible, in the future, to actually mobilize the DMC/RED data in a way that is not merely informational, but also empowering. In addition to sharing quantitative data that affirms the lived experience of many Utah families of color, UBJJ and the RED Subcommittee can work with community partnerships to hold discussions about youth and parent rights, as well as troubleshooting for families who are struggling with system involvement.

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**Pursue innovative grant-making approaches that support communities creating and providing their own culturally-appropriate interventions to youth of color.**

In recent years, government agencies - including those that comprise Utah's juvenile justice system - have become focused on the use of "evidence-based practices" to ensure that public monies are being used in effective and responsible ways. This approach partners well with an emphasis on the use of quantitative data to justify the continuation of particular policies, programs and practices. However, the bar for what can be considered, officially, "evidence-based" is quite high. In addition, many smaller, grassroots efforts and programs lack the resources or cultural inclination to prioritize the collection of quantitative data to justify their existence.

Hence, an inclusive philosophy has emerged that includes an embrace of both evidence-based practices and "practice-based evidence." The idea of "practice-based evidence" (PBE) is particularly popular in the fields of medicine and public health, where cultural competency and respect for community traditions can make an enormous difference in the efficacy of various interventions.

The inclusion of this additional approach allows for the use of a broader spectrum of interventions that, rather than structured

around statistical efficacy for a majority population, are designed for, and trusted by, traditionally marginalized communities.

"PBEs are embedded in the culture, are accepted as effective by local communities, and supporting healing of youth and families from a cultural framework. . . These practices do not have a research base as we define research today; but they do have an evidence base developed from multiple trials of experimenting with what works best."<sup>1</sup>

The UBJJ and RED Subcommittee can and should consider providing delinquency prevention resources to programs and intervention efforts that include those that are built for high-risk youth of different cultural backgrounds, as well as those that use a faith-based approach to build pro-social community connections among struggling youth.

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**Outreach and collaboration with the law enforcement community to transition "gang interdiction" efforts away from punitive prosecutions and toward early interventions that acknowledge the potential and humanity of young people at risk for gang involvement.**

In recent years, some positive changes have emerged in Utah's approach to dealing with potential gang activity within different communities. For example, the popular

Northern Utah Gang Conference has begun to include presenters with lived experience with gang involvement, and helpful reflections on what can create motivation for change among young people associated with gang-related misconduct.<sup>2</sup> Similarly, Salt Lake City's re-envisioned "Choose Gang Free" approach focuses resources on providing positive interventions for youth who may be considering or at risk for gang involvement, with a stated mission to "promote change through opportunity, education, and collaboration, and restore hope by empowering youth and families to choose a gang free lifestyle."<sup>3</sup>

These changes stand out in a landscape of "gang interdiction" efforts that have included not only the high-school-based "gang sweeps" and "gang injunctions" mentioned previously in this report, but also aggressive prosecutions that have sown mistrust and resentment in some of Utah's deep-rooted communities of color along the Wasatch Front.<sup>4</sup>

Despite historical differences, there exists plenty of common ground between law enforcement, community leaders and juvenile justice reformers, on which more productive gang-intervention efforts can be built. This common ground includes: a desire for safe and peaceful neighborhoods, an interest in supporting positive and pro-social life choices by young people, and an agreement that gang involvement produces no enduring positive outcomes for either community members or gang members.



The UBJJ and RED Subcommittee both include members of law enforcement who believe in juvenile justice reform, as well as community leaders willing to build relationships with law enforcement leaders. These policy-building spaces offer promise for the collaborative development of interventions that challenge the traditional approaches to gang interdiction (which often threaten to enforce rather than challenge long-standing stereotypes about the relative danger posed by misconduct engaged in by youth of different racial backgrounds), while creating innovative and effective ways of strengthening communities through increased social and economic opportunity.

## FOR THE UTAH BOARD OF JUVENILE JUSTICE AND THE JUVENILE JUSTICE OVERSIGHT COMMITTEE

Combine the task-oriented and problem-solving Juvenile Justice Oversight Committee with the more inclusive and expansive Utah Board of Juvenile Justice.

There are a number of issues that have surfaced in recent years that exist in the jurisdictional overlap between public schools, local law enforcement agencies and state-level juvenile justice reform representatives involved in UBJJ, JJOC and DMC/RED.

Disagreements over implementation of HB239 at the community level, and conversations about school safety in light of several high-profile school shootings, have revealed a need for a new policy problem-solving space. Representatives of law enforcement, school districts and community advocacy groups need regular opportunities to discuss potential policies and implementation challenges regarding school discipline, court referrals, community-based youth misconduct, school safety and threat assessment proposals, and more.

Rather than approach these issues from a desire to avoid harm (for youth, their families, and the community at large), those involved in the lives of youth need a space where they can come together to create a vision for youth opportunity and success – and then work backwards from that vision to determine how each stakeholder can contribute to helping all youth toward a path of success and happiness.

In order to create this vision and begin to put it into action, juvenile justice stakeholders, education stakeholders and public safety stakeholders need to be at the same table.

Historically, the JJOC has been laser-focused on implementation of the reforms in HB239. By contrast, UBJJ has focused on providing funds to support various programs that comport with more general “delinquency prevention” goals, in accordance with its federal mandates under the Juvenile Justice Delinquency Prevention Act. The JJOC is comprised largely of public servants working for state and local agencies involved in

various stages of the juvenile justice system (approximately 80% of JJOC participants are public servants). UBJJ, on the other hand, is required to have no more than 50% participation by agency representatives, with the other (at least) 50% of members coming from community-based and private sector affiliations. In addition, by law, at least 25% of UBJJ members must be youth board members who have had personal experience with the juvenile justice system.

Both UBJJ and JJOC boast positive working relationships between members, with a fair amount of interpersonal trust and assumption of good intentions. In fact, several members of UBJJ serve also on the JJOC. We recommend slowly merging these two entities together, with a clear mission to provide a constructive space for cross-community, intergovernmental collaboration toward building a youth-centric, evidence-based and data-driven juvenile justice system that provides equity and positive outcomes for all youth.



# 4. 2020 RECOMMENDATIONS

## 4.2 WHAT COMMUNITY & FAMILY ADVOCATES CAN DO TO ADVANCE EQUITY

### BUILD.

#### **Build and maintain trusted relationships with youth.**

Family and community advocates can play a vital role in increasing the protective factors that help young people avoid misconduct and misbehavior that threaten their own wellbeing. The foundation of positive outcomes for young people are strong relationships. Caring adults can begin to build positive connections with the youth around them; they can make, and honor, commitments to be there for these youth, even in small ways.

Being a positive and trusted connection for youth, means being available to those youth when they face troubles. A loving adult is someone who does not give up on youth when they engage in misconduct and act out in frustration, but maintains their relationship and stays with them throughout those difficult times, while also creating boundaries that show self-respect and self-awareness.

“Staying with” a young person can mean remaining accessible to them throughout

a juvenile justice process or throughout an entire school year. Simply being a consistent and constant presence in their life is an important way to help a young person move forward in life and learn from their mistakes.

Don't be afraid to share your own stories of struggle and triumph with the young people in your life. By sharing your experiences, you can give young people the courage to open up about the troubles in their own lives, even if they choose to open up to someone besides you.

It is important for young people to know that they are not alone in facing tough times, and that other people (like you!) make mistakes, as well. It can be through your positive example that youth begin to learn that the difficult experiences they face can also be, with a little support and reflection, opportunities for growth and personal discovery. By being open about your own mistakes, you can show that it is possible to move forward after even very serious missteps.

Remember that when you make yourself available to young people in a supportive relationship, as the adult, you are responsible for doing your best to keep that relationship consistent and meaningful. Be available without expecting appreciation or recognition; just be there for your young people.

## COMMIT.

### **Commit to supporting young people if or when they encounter the juvenile justice system.**

Thankfully, not every young person will formally encounter the juvenile justice system; many youthful misconduct attracts only family or community consequences. However, it is important for you to be prepared to support the young people you care about when they make mistakes or get in trouble, especially when that occurs in a formal setting, such as at school or in a courthouse. Advocates like you can commit to supporting your young person before, during, and after official processes that engage some aspect of the juvenile justice system.

### **Simply knowing some basic information about administrative and legal processes can be a huge help to young people and their families.**

For example, any young person who has to appear in juvenile court to answer formal charges has the right to an attorney, who is supposed to help them understand the process and to explain the different options available to them.

You don't have to be an attorney in order to help a young person who is called to court; you can simply remind them that having an attorney to represent them is their right. If they can't afford to pay a private attorney, they will be assigned a public juvenile defense attorney. Their defense attorney is meant to play an important role in negotiating with the prosecuting attorney, and in making sure a juvenile defendant feels heard in court.

Similarly, if your young person doesn't feel that they are getting the support they need to be successful at school, you can help them ask for the assistance they have a right to receive, by law. Public school students who have learning disabilities and need special accommodations are supposed to receive them. You can accompany your young person in meeting with a principal, teacher or counselor, and support them in requesting a special plan that better supports their learning (such as an Individualized Education Plan, or IEP, or a "504 Plan").<sup>5</sup>

As a family or community advocate, you can learn more about basic juvenile justice proceedings - including disciplinary processes that take place at the school level, well before a court referral is made - by participating in a "Know Your Rights Workshop" offered by a local advocacy or civil rights organization.

You can also review helpful videos and how-to guides available at the Utah Courts website. You don't need to be an expert, and it's best not to try! However, it can be very useful to a confused and scared young person, to have the support of a concerned

adult with even a little understanding of formal government processes, and the willingness to navigate those processes alongside them.

Once a young person has finished their involvement with the juvenile justice system, family and community advocates can support youth by helping them “expunge” their juvenile record, if and when they are eligible to do so. “Expungement” is the term for when the juvenile court orders that the criminal record of a young person’s involvement with the court, as well as related records of state, county and local government agencies, be sealed.

**Contrary to popular belief, juvenile records are not “automatically” sealed.<sup>6</sup>**

Action must be taken by a young person, once their disposition is completed, to seal their own record through the expungement process. It is important to remember that sealing a record only means that the public cannot view or copy the expunged record by contacting a government agency.

Expungement doesn’t erase history, of course; news accounts of an arrest, conviction or incident in which a young person was involved, will not be affected by an expungement.<sup>7</sup> Once an expungement is granted by a juvenile court judge, however, a young person can truthfully answer “NO” if they are questioned as to whether they have been convicted of a felony or misdemeanor (such as on a job application, or when they are applying for a college program).

## CONSIDER.

**Consider how Adverse Childhood Experiences (ACES) and trauma affect children, rather than criminalizing behavior that may be the result of childhood trauma.**

When we engage in supporting the youth around us, we need to consider each young person as an individual, with a unique life story that potentially includes very difficult past and present circumstances.

When a young person you care about acts out, hurts others, or engages in frustrating misconduct, it is important to ask, “**What might be going on with you, that you are doing this?**” rather than demand to know, “What is wrong with you, that you would do this?”

Using an individualized, youth-centric approach to intervening with young people means that we consider, specifically, how childhood trauma or Adverse Childhood Experiences (commonly referred to as “ACES”) may be driving the behaviors of those young people - often without their awareness or understanding. In addition to sometimes contributing to problematic misbehavior, negative childhood experiences are strongly linked to negative effects on health, wellbeing and opportunity.<sup>8</sup>

We have learned a great deal about the substantial impact that can be caused by childhood experiences. We now understand that intense, frightening and destabilizing

experiences in childhood can cause both immediate and long-term harm to the young people we care about. For example, being exposed to violence in childhood can increase the risk of an individual being a victim or a perpetrator of violence in the future. Exposure to violence also increases the risk of injury, substance abuse, slowed brain development, and risk of low educational attainment, among other consequences.<sup>9</sup>

Recognizing that ACES and traumatic experiences - both those that have happened in the past and those that are occurring in the present - can help family and community advocates understand that the vast majority of young people get into trouble because they are suffering, and not because they are just “bad kids.”

A young person who is picking fights at school, may be struggling due to domestic violence incidents occurring in the home they have to return to at the end of the school day. A young person who acts out sexually, may be confused and upset about abuse they have experienced or are experiencing in a different setting altogether.

**As a supportive adult, always remember to ask, “What’s going on with this child, that may be causing them to act out in this way?”**

Acknowledging the role of trauma helps us look for underlying causes and potential solutions, instead of simply leaping to the conclusion that punishment is needed.

## CREATE.

### **Create positive and culturally-inclusive school cultures.**

Parents, guardians, family members, and other supportive adults can work with teachers, counselors, social workers, principals and other school staff to develop positive school culture within the schools their youth attend. A positive school culture exists when members of the school community - including students, staff and the surrounding community - feel connected to and respected by one another. When students feel seen, welcome, appreciated, understood and safe, we say that a school has a positive culture.

Positive school culture can be built in many ways, and will be unique to each different school community, depending on its unique strengths and challenges. Two very important ways to build positive school culture - particularly with regards to increasing equity - are: supporting the development of culturally-relevant pedagogy within classrooms, and incorporating restorative justice principles.

## CULTURALLY-RELEVANT PEDAGOGY

Culturally-relevant pedagogy honors and includes the experiences of students of color, and intentionally celebrates the contributions of people from diverse backgrounds.

**Research shows that students who see themselves reflected in their educational curricula, and whose educational experience includes celebrations of unique elements of their own heritage, are more likely to succeed in school.** <sup>10</sup>

Creating and building culturally-relevant pedagogy takes time, but an easy way to start is by supporting teachers and schools in building their libraries with books written by authors of color, and books that have protagonists or main characters who are people of color (specifically, who look like the students of color who attend that particular school or classroom).

By allowing students to share personal experiences and cultural knowledge through their reading and learning, they are better able to understand the world around them and how they fit into it. Their experiences, as youth of color, are acknowledged and recognized as valuable in their own individual education.

Culturally-relevant practices can also be incorporated into the formal educational experience, allowing students and their families to connect both within and across cultures. By adding school wide opportunities that allow for the celebration of students' different cultures, languages and ethnic traditions, school communities can build increasingly inclusive campuses.

In addition to practices and programs, school policies should also reflect an appreciation and understanding of students' unique cultural and linguistic needs. For example,

translation services can be made easily and seamlessly accessible, so that students and their families can fully participate in school activities. Certainly, students should be encouraged and allowed to speak their native languages not just at school, but in the classroom, as well.

## RESTORATIVE JUSTICE PRACTICES

Schoolwide restorative justice practices can also be critical to building positive school culture. Restorative justice is often misunderstood to mean, in the educational context, an alternative method of discipline when students do something perceived as wrong. However, restorative justice is much more than that.

**When applied to the school community as an overarching philosophy, restorative justice can become a foundation for everyday interactions between students, staff and the larger communities.**

Restorative justice, as a philosophy, can look like simple activities that strengthen relationships and build trust; for example, a daily practice of check-ins between teacher and students, or a conscientious effort by all adults in a school community to make eye contact, and connect on a personal level, with the students regularly in their care.

Some restorative justice schools assign a "trusted adult" to every child in the school, to

ensure no child goes unseen. Others regularly practice discussion circles that give every child an opportunity to participate, while others listen respectfully, in the tradition of many indigenous peoples.

Of course, restorative justice principles can work very effectively to address misconduct within the school community, as well, with an emphasis on accountability and mutual respect. Discipline approaches that are rooted in restorative justice principles allow youth to grow and learn from their mistakes, while cultivating understanding for how their behavior can impact others.

A restorative justice approach to addressing misconduct asks questions like, **“What happened? What harm was caused? What needs to happen to repair the harm, and to repair the relationships injured by the misconduct?”** Rather than stressing punishment and wrongness, these practices create opportunities for students and other school community members to work toward feeling safe and successful together.

You can encourage the use of such practices in your young person’s school by recommending professional development opportunities for individual teachers (many are available through the Utah State Board of Education, as well as through community-based organizations such as the Restorative Justice Collaborative of Utah).

You can also volunteer to help model practices - such as restorative circles - during student activities and programs. Most importantly, as a supportive and caring adult, you can model key principles of restorative justice in your interactions with young people, and with other members of your community.

**Restorative justice is rooted in the values of respect, dignity and mutual concern. <sup>11</sup>**

By nurturing healthy relationships, creating just and equitable learning environments, and repairing harm and transforming conflict when necessary, you are helping to institute restorative justice principles in the spheres you share with young people.



# SECTION 4

## ENDNOTES

**1** - From "Evidence-Based Practices & Practice-Based Evidence: What are they? How do we know if we have one?" by Dr. Dolores Bigfoot, PhD, and Dr. Jami Bartis, PhD, (2010). Full article published in the National Indian Health Board Edition of the Healthy Indian Country Initiative Promising Prevention Practices Resource Guide, accessed at [https://www.ncuih.org/krc/D\\_bigfoot\\_EBP\\_PBE](https://www.ncuih.org/krc/D_bigfoot_EBP_PBE).

**2** -See agenda for 2019 Northern Utah Gang Conference, including "MS-13 How to Get Out of a Gang" presentation by Mr. Gerardo Lopez of Homies Unidos and "Gangs & Sex Trafficking" presentation by Ms. Allison Franklin of the National Criminal Justice Training Center. Presenter bios accessed at <https://ogdencity.com/1595/Northern-Utah-Gang-Conference>.

**3** - Information about Salt Lake City's Choose Gang Free efforts accessed at <https://www.choosegangfree.com>.

**4** - For example: the 2010-14 Racketeer Influenced and Corrupt Organizations (RICO) prosecutions of several alleged members of the Tongan Crip Gang, which ended with the courtroom shooting death of Siale Mavei Angilau of Salt Lake City; and the 2018-

2019 prosecutions of accused members of "GlenMob," a professed rap group and alleged narcotics distribution ring, apparently based in various communities on the West side of Salt Lake County. Information accessed from various media sources, agency press releases, and gang conference workshop descriptions.

**5** - For more information about educational plans for students with diagnosed disabilities, you can contact either the Disability Law Center (which offers online resources related to education at <http://disabilitylawcenter.org/education/>) or the Utah State Board of Education (which has a department dedicated to Special Education Services, or SES, with general information available at <https://www.schools.utah.gov/specialeducation>).

**6** - As described in Utah code, accessed at <https://le.utah.gov/xcode/Title78A/Chapter6/78A-6-S1105.html>.

**7** - From "Expunging Juvenile Records," an online guide provided by the Utah Courts, accessed at <https://www.utcourts.gov/howto/expunge/juvenile.html>.

**8** - Definition from the World Health Organization; example available at [https://www.who.int/violence\\_injury\\_prevention/violence/activities/adverse\\_childhood\\_experiences/en/](https://www.who.int/violence_injury_prevention/violence/activities/adverse_childhood_experiences/en/).

**9** - From the Centers for Disease Control and Prevention, accessed at <https://www.cdc.gov/violenceprevention/childabuseandneglect/aces/fastfact.html>.

**10** - For resources on the positive impacts of culturally-relevant pedagogy, we recommend "How to Practice Culturally Relevant Pedagogy," by Bárbara Escudero (2019), accessed at <https://www.teachforamerica.org/stories/how-to-engage-culturally-relevant-pedagogy>.

**11** - From the Centers for Disease Control and Prevention, accessed at <https://www.cdc.gov/violenceprevention/childabuseandneglect/aces/fastfact.html>.

**12** - From The Little Book of Restorative Justice in Education: Fostering Responsibility, Healing and Hope in Schools, by Katherine Evans and Dorothy Vaandering (2016).

# 5. APPENDICES

## 5.1 AGGREGATE ANNUAL TOTALS, 2015-2019

	2015	2016	2017	2018	2019
<i>Referrals to Court</i>	22,323	19,925	19,552	18,331	17,354
<i>Non-Judicial Adjustments</i>	7,161	6,142	7,223	10,125	9,672
<i>Petitions to Court</i>	14,049	12,057	10,151	6,215	5,851
<i>Admissions to Locked Detention</i>	3,494	3,114	2,592	1,893	1,523

\* Year refers to state fiscal year, which begins on July 1 of the preceding year and ends on June 30 of the stated year (FY2019 runs from July 1, 2018, to June 30, 2019).

\*\* Annual Referral to Court figures taken from Figure 3, under Performance Metrics: System Trends, in the online 2019 HB239 Annual Report; data compiled and presented by Dr. Van Nguyen, Co-Director of the Utah Board of Juvenile Justice (UBJJ)/Juvenile Justice Oversight Committee (JJOC), in the office of the Commission on Criminal and Juvenile Justice. Full report accessible at [https://justice.utah.gov/Juvenile/HB239/Annual%20Reports/FY\\_2019\\_HB\\_239\\_Annual\\_Report.html](https://justice.utah.gov/Juvenile/HB239/Annual%20Reports/FY_2019_HB_239_Annual_Report.html).

\*\*\* Annual Non-Judicial Adjustment and Petition to Court figures taken from Figure 10, under Performance Metrics: Non-Judicial Adjustments, in the online 2019 HB239 Annual Report.

\*\*\*\* Annual Admissions to Locked Detention figures taken from Figure 16, under Performance Metrics: Locked Detention, in the online 2019 HB239 Annual Report; clarification of underlying data sought from Dr. Van Nguyen, author of 2019 HB239 Annual Report.

## 5.2 YOUTH ARRESTS DISAGGREGATED BY RACE/ETHNICITY, 2015-2019

	2014	2015	2016	2017	2018
<i>White / Caucasian</i>	12,719	11,258	9,454	8,265	13,413
<i>Black / African-American</i>	816	768	721	664	706
<i>Latinx / Hispanic</i>	3,813	3,610	2,881	2,853	2,626
<i>Asian-American, Native Hawaiian, other Pacific Islander</i>	510	467	352	364	440
<i>American Indian or Alaska Native / Indigenous or Native</i>	308	297	259	221	189
<i>Other, Mixed Race</i>	0	0	1,214	1,382	1,937
<i>Total Arrests</i>	18,166	16,402	14,881	13,749	13,413

\* Year refers to calendar year (January 1 to December 31 of the same year).

\*\* Disaggregated arrest figures for 2014 and 2015 obtained from public annual reports of Disproportionate Minority Contact (DMC) Subcommittee of UBJJ; data submitted by law enforcement agencies throughout Utah. Full reports available at [https://justice.utah.gov/Juvenile/ubjj\\_dmc.html](https://justice.utah.gov/Juvenile/ubjj_dmc.html), under DMC Data sidebar (DMC Summaries 2014 and 2015).

\*\*\* Disaggregated arrest figures for 2016, 2017 and 2018 were obtained upon request from UBJJ/ JJOC Co-Director Kayley Richards, as reported by the Bureau of Criminal Identification in the Utah Department of Public Safety.

## 5.3 GENERAL SCHOOL-AGED YOUTH POPULATION, 2015-2019

	2014	2015	2016	2017	2018	2019
<i>White / Caucasian</i>	468,378	471,853	633,526	644,061	651,864	488,844
<i>Black / African-American</i>	7,908	8,256	8,670	9,061	9,258	9,225
<i>Latinx / Hispanic</i>	97,388	101,390	104,457	108,074	110,931	113,945
<i>Asian American</i>	10,277	10,355	10,517	10,776	10,907	11,062
<i>Pacific Islander</i>	9,131	9,310	9,857	10,015	10,250	10,441
<i>American Indian / Native-Indigenous</i>	6,876	6,938	7,009	6,978	6,752	6,749
<i>Multiple or mixed race</i>	12,182	13,698	14,930	16,057	17,513	18,742
<i>Total K-12 Enrollment</i>	612,140	621,800	633,526	644,061	651,864	659,008

\* Year refers to school year, from August of the preceeding year through June of the state year (SY2014 runs from August of 2013 through June of 2014).

\*\* Disaggregated K-12 enrollment figures taken from Utah State Board of Education Fall Enrollment Data available at <https://www.schools.utah.gov/data/reports?mid=1424&tid=4>.

## 5.4 JUVENILE JUSTICE SYSTEM POINTS OF CONTACT, DISAGGREGATED BY RACE, 2019

	INTAKES	NJA	PETITION	PROBATION	COMMUNITY PLACEMENTS	LOCKED DETENTION ADMISSIONS	SECURE CARE
<i>White / Caucasian</i>	8,360	5,641	2,719	2,568	253	732	59
<i>Black / African-American</i>	717	355	362	371	35	132	18
<i>Latinx / Hispanic</i>	3,701	2,244	1,457	574	144	485	59
<i>Asian American</i>	178	99	79	69	1	12	1
<i>Pacific Islander</i>	352	172	180	103	6	36	4
<i>American Indian / Native-Indigenous</i>	299	177	122	122	11	45	4
<i>Multiple or mixed race</i>	390	260	130	322	13	28	6
<i>Unknown</i>	484	282	202	58	6	21	1
<i>Total</i>	14,481	9,230	5,251	4,187	469	1,491	152

\* Year refers to state fiscal year, which begins on July 1 of the preceding year and ends on June 30 of the stated year (FY2019 runs from July 1, 2018, to June 30, 2019).

\*\* Intake, NJA, Petition and Probation figures are received from the Administrative Office of the Courts, with assistance from Dr. Van Nguyen, UBJJ/JJOC Co-Director.

\*\*\* Community Placement, Locked Detention and Secure Care figures are received directly from the Division of Juvenile Justice Services.





**Voices for Utah Children**  
747 E. South Temple, Suite 100  
Salt Lake City, UT 84102  
(801) 364-1182  
[www.utahchildren.org](http://www.utahchildren.org)

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